

PART II GENERAL LEGISLATION

Chapter 108, PEDDLING AND SOLICITING

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 1-18-1950. Amendments noted where applicable.]

§ 108-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HAWKER AND PEDDLER -- Includes, except as hereinafter expressly provided, any person, either principal or his agent, servant, helper or employee, who, from any car on a railroad track or from any vehicle in any place in said village or in any public street or public place or by going from house to house or place of business to place of business in said village, on foot or on or from or with the use of any animal or vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers and periodicals.

LICENSEE -- The principal or his agent, servant or employee.

PERSON -- Includes one (1) or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

SOLICITOR OR CANVASSER -- Includes any person, either principal or his agent, servant, helper or employee, who goes from place to place or house to house or from place of business to place of business, on foot or on or from or with the use of any animal or vehicle, or who stands in any street or public place, taking or offering to take orders for goods, wares, merchandise and periodicals, except newspapers or milk, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

§ 108-2. Exemptions. ^{1EN}

The licensing provisions of this chapter shall not apply to:

- A. Merchants having an established place of business within the Village of Cobleskill.
- B. Calls in response to prior invitation by a resident.
- C. Honorably discharged members of the Armed Forces of the United States and veterans of any war who shall have obtained a license from the County Clerk of the County of Schoharie pursuant to the provisions of § 32 of the General Business Law of the State of New York. However, such persons must present the license issued by the County Clerk to the Village Clerk, who will issue a village license without payment of a license fee. Such persons shall otherwise be subject to the requirements of this chapter.
- D. Charitable, religious, educational or civic organizations which have or maintain a regular place of business, place of worship, chapter, lodge, troop or other regular

meeting place within the Village of Cobleskill or Town of Cobleskill.

- E. Persons engaged in providing such services as snow shoveling, grass cutting, leaf raking, lawn clearing and other similar services as independent contractors.

§ 108-3. License required.

It shall be unlawful for any person, within the corporate limits of the Village of Cobleskill, New York, to act as a hawker, peddler, solicitor or canvasser as herein defined without first having applied for, obtained and paid for, and having in force and effect, a license therefor.

§ 108-4. Application for license; bond.

- A. ^{2EN}Any person desiring to procure a license as herein provided shall file with the Village Clerk a written application, in duplicate, upon blank forms prepared by the Village Clerk and furnished by the village. Such application shall be sworn to in duplicate, and said application shall contain the following:
- (1) The name, age and description of the applicant, if an individual; otherwise, the name of the applicant and the name, age and description of the agents, servants and employees of the applicant who will exercise for the applicant the rights granted under said license.
 - (2) The permanent home address and full local address of the applicant, if an individual; otherwise the location of the principal place of business of the applicant and the permanent home address and full local address of the agents, servants and employees of the applicant who will exercise for the applicant the rights granted under said license.
 - (3) A brief description of the nature of the applicant's business.
 - (4) The number and kind of vehicles to be used in said village in carrying on the business for which the license is desired, and the motor numbers thereof.
 - (5) The kind of goods, wares, merchandise or periodicals the applicant desires to sell or the kind of service the applicant desires to perform.
 - (6) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
 - (7) The length of time for which the right to do business is desired.
 - (8) The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time said application is filed and the proposed method of delivery.
 - (9) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two by two (2 x 2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner, if an individual; otherwise, a similar photograph of the agents, servants and employees of the applicant whom the applicant employs to exercise the rights granted under said license; a third identical photograph shall accompany said applications, the same to be affixed to the license, if granted.
 - (10) The fingerprints of the applicant, if an individual; otherwise, the fingerprints of the agents, servants and employees of the applicant who will exercise for the applicant the rights granted under said license; and the names of at least two (2)

- reliable property owners of the County of Schoharie, State of New York, who will certify as to the applicant's good character and business responsibility; or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable the Chief of Police of said village to evaluate such character and business responsibility.
- (11) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance of said village or any other municipality, the nature of the offense and the punishment or penalty assessed therefor; if the applicant is not an individual, then a further statement as to whether or not any of the agents, servants and employees of the applicant who will exercise for the applicant the rights granted under said license have been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- (12) A sworn statement by a duly licensed physician of the State of New York, sworn to not more than ten (10) days prior to the submission of the application, certifying the applicant to be free of contagious, infectious or communicable disease, if an individual; otherwise, a similar statement certifying that the agents, servants and employees of the applicant who will exercise for the applicant the rights granted under said license are free of contagious, infectious or communicable disease; and a similar further statement setting forth the same facts shall be filed with the Village Clerk every three (3) months thereafter during the term of said license.
- B. Such application shall be accompanied by a certificate from the Sealer of Weights and Measures of Schoharie County certifying that all weighing and measuring devices to be used by the applicant have been examined and approved, stating the date of such examination and approval. A like certificate shall be filed with the Village Clerk every three (3) months thereafter during the term of said license. An application for a license shall also be accompanied by a bond to the Village of Cobleskill, New York, approved as to form and surety by the Village Attorney, in the penal sum of five hundred dollars (\$500.), with sufficient surety or sureties or sufficient collateral security, conditioned for the due observance during the term of the license of any and all ordinances of the Village of Cobleskill, New York, respecting hawking, peddling, soliciting and canvassing, and in the case of solicitors or canvassers who demand, accept or receive payments or deposits of money in advance of final delivery, such bond shall be further conditioned for making final delivery of goods, wares, merchandise or periodicals ordered or services to be performed in accordance with the terms of such order, or failing therein, that the advance payment on such be refunded. Any person aggrieved by the action of any such licensed hawker, peddler, solicitor or canvasser shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect, and in case of a cash deposit, such deposit shall be retained by the Village of Cobleskill, New York, for a period of ninety (90) days after the expiration of any such license, unless sooner released by the Village Clerk.

§ 108-5. Investigation and issuance.

- A. Upon receipt of much application, the same shall be marked "filed" by the Village

Clerk, and the duplicate shall then be referred to the Chief of Police of said village who shall cause an investigation of the applicant's business and moral character or the moral character of the agents, servants and employees of the applicant who will exercise for the applicant the rights granted under said license to be made for the protection of the public good.

- B. If as a result of such investigation the applicant's moral character or business responsibility or the moral character of the agents, servants and employees of the applicant who will exercise for the applicant the rights granted under said license are found by the Chief of Police to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same with the date of such disapproval and return said application to the Village Clerk, who shall file the same and notify the applicant that his application is disapproved and that no license will be issued.
- C. If as a result of such investigation the moral character and business responsibility of the applicant or the moral character of the agents, servants and employees of the applicant who will exercise for the applicant the rights granted under said license are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return the same to the Village Clerk, who shall file the said application, bond and certificate. Upon the filing thereof and the payment of the prescribed license fee, a license shall be issued and delivered to the applicant as provided hereunder. Such license shall be issued by the Mayor, countersigned by the Village Clerk and endorsed by the Treasurer of said village showing his receipt of the license fee. The Village Clerk shall affix thereto the Seal of said village, and said license shall contain the name and address of the applicant therefor and a photograph of the applicant if the applicant personally exercises the rights granted under said license and the name, address and photograph of the person or persons who will exercise for the applicant the rights granted under said license, the class of license issued and the kind of goods, wares, merchandise or periodicals to be sold thereunder, the amount of the fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number, motor number and other identifying description of any vehicle used in such hawking, peddling, soliciting or canvassing.
- D. Except as herein provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare.
- E. A license shall not be assignable. Any holder of such license who permits it to be used by any other person and any person who uses such license granted to any other person or any person who obtains a license by means of fraud or description shall each be guilty of a violation of this chapter.
- F. Whenever a license or the identification hereinafter referred to shall be lost or destroyed on the part of the holder or his agents, servants or employees, a duplicate in lieu thereof under the original application and bond may be issued by the Village Clerk upon the filing with him by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery, and upon the payment of an additional charge as set forth from time to time by resolution of the Village Board.^{3EN}
- G. All licenses shall be issued from a properly bound book with proper reference stubs kept for that purpose, numbered in the order in which they are issued. Such licenses

shall include the right to use only one (1) vehicle in carrying on the business for which the person is licensed

- H. No license shall be granted to a person under twenty-one (21) years of age.
- I. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six (6) months shall have elapsed since the last previous rejection or revocation, unless he can give satisfactory proof that the reason for such rejection should not be considered.
- J. Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand.
- K. Any licensee using a motor vehicle may employ one (1) other person and no more to assist in selling and delivering any goods, wares and merchandise, but such person shall so act only while accompanying the licensee.^{4EN}
- L. The license hereinafter provided for shall be issued on a calendar year basis and shall automatically expire on the first day of January following the date of issuance thereof, but may specifically state and provide for an earlier expiration date.
- M. On or after July 1 the amount of such fee for an annual license shall be one-half (1/2) the amount of the yearly license fee.

§ 108-6. License fees.

- A. The license fee which shall be charged and assessed hereunder for such license shall be as set forth from time to time by resolution of the Village Board.^{5EN}
- B. None of the license fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the Board of Trustees of said village to be relieved from the payment of a license fee. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The Board of Trustees of said village shall then conduct an investigation and shall make findings of fact from which it shall determine whether this chapter interferes with interstate commerce, and if it so finds and if the fee has already been paid, shall order a refund thereof.

§ 108-7. Identification.

- A. The said village shall supply identification to licensed hawkers, peddlers, solicitors and canvassers, their agents, servants and employees.
- B. Such identification shall not be transferred or assigned.
- C. On the expiration of the license the licensee shall surrender his identification to the Village Clerk.
- D. It shall be unlawful for any person to destroy, deface or injure such identification in any manner or change the number or date thereon.
- E. It shall also be unlawful for any person to wear or have in his possession such identification unless he is the licensed hawker, peddler, solicitor or canvasser in whose name the license is issued or his agent, servant or employee or, if issued to other than a natural person, an agent, servant or employee thereof.
- F. Such licensee while exercising his license shall wear on the front of his outermost garment the identification so provided, which identification shall state the number and

character of the license and the date when it was issued and when it expires.

- G. In addition thereto, every hawker, peddler, solicitor or canvasser using a vehicle shall print on or attach printed cards and display on the outside of each side of his vehicle and in a place where the same is clearly visible, using letters at least two (2) inches in height and one (1) inch in length, and of a color plainly visible at a distance of twenty (20) feet, which shall state that said person is a licensed vendor and that said license has been issued by the Village of Cobleskill, New York, the character and number of the license, the date of issue and the date of expiration; and the same shall be printed and displayed as follows:

Licensed Vendor

Village of Cobleskill, New York

License No. _____

License Issued _____

License Expires _____

License Issued for _____

- H. The wearing of the identification and the display on the vehicle of the foregoing information are hereby made a condition of every license, and failure by the licensee to wear the identification or to display said information as aforesaid while in the exercise of his license shall be cause for the revocation of such license.
- I. A charge as set forth from time to time by resolution of the Village Board shall be made by the Village Clerk for each identification, which sum shall be refunded when the identification is returned by the licensee.

§ 108-8. Name and address on vehicle.

Every vehicle used by a licensed hawker, peddler, solicitor or canvasser in or about his business shall also have his name and address plainly, distinctly and legibly painted in letters and figures at least three (3) inches in height and two (2) inches in length in a conspicuous place on the outside of each side of every such vehicle or upon a card securely fastened to the outside of each side of such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license and of a color so that the same shall be plainly visible at a distance of twenty (20) feet.

§ 108-9. Revocation of license.

The Board of Trustees of the Village of Cobleskill, New York, may at any time revoke any license. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons therefor shall be given in writing by the Village Clerk to the person named in the application by mailing the same by registered mail to the address given in the application or by serving

the same personally upon such person, his agent, servant or employee and upon filing a copy of such notice in the office of said Clerk.

§ 108-10. Restrictions.

A licensed hawker, peddler, solicitor or canvasser, his agents, servants or employees shall:

- A. Not falsely or fraudulently misrepresent the quantity, character or quality of any article or periodical offered for sale; or offer for sale any unwholesome, tainted or diseased provisions, food or merchandise.
- B. Not wear the identification provided by the village nor display on the licensee's vehicle the information provided for in § 108-7 of this chapter after the expiration or revocation of the license pursuant to which the same was issued or displayed.
- C. Keep the vehicle and receptacles used by him in a clean and sanitary condition and the provisions, foodstuffs and edible offered for sale well-covered and protected from dirt, dust and insects and submit his vehicle and foodstuffs to the Chief of Police of said village for inspection at any time he is requested to do so.
- D. Not blow a horn, ring a bell or use any other noise device to attract public attention to his goods, wares and merchandise or shout or cry out his wares.
- E. Not stand or permit the vehicle used by him to stand in one (1) place in any public place or street for more than ten (10) minutes, unless permission is obtained from the said Board of Trustees.
- F. Not sell any confectionery or ice cream within five hundred (500) feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- G. Not permit any vehicle used by him to stop or remain on any crosswalk.
- H. Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

§ 108-11. Orders.

All orders taken by licensed solicitors and canvassers who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one (1) copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor or canvasser.

§ 108-12. Records.

It shall be the duty of the Village Clerk to keep a record of all applications and of all licenses granted under the provisions of this chapter, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

§ 108-13. Duty of police to enforce.

It shall be the duty of any police officer of the Village of Cobleskill, New York, to require any person seen hawking, peddling, soliciting or canvassing, and who is not

known by such officer to be duly licensed, to produce his license and to enforce the provisions of this chapter against any person found to be violating the same, and the Chief of Police of the Village of Cobleskill, New York, shall report to the Village Clerk all convictions for violation of this chapter, and the Village Clerk shall maintain a record of such reports of violations.

§ 108-14. Grounds for revocation of license; hearing.

- A. Licenses issued under the provisions of this chapter may be revoked by the Board of Trustees of the Village of Cobleskill, New York, after notice and hearing for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for said license.
 - (2) Fraud, misrepresentation or false statement made by the licensee in the course of carrying on his business as hawker, peddler, solicitor or canvasser.
 - (3) Any violation of this chapter.
 - (4) Conviction of the licensee of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting by the licensee of the business of hawking, peddling, soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid and by registered mail, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.

§ 108-15. Appeal.

Any person aggrieved by the action of the Chief of Police in the disapproval of an application for a license as provided for in § 108-5A and B shall have the right of appeal to the Board of Trustees of the Village of Cobleskill, New York. Such appeal shall be taken by filing with the Village Clerk, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Said Board of Trustees shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in § 108-14 of this chapter for notice of hearing on revocation. The decision and order of said Board of Trustees on such appeal shall be final and conclusive.

§ 108-16. Penalties for offenses. ^{6EN}

Any person who himself or by his agents, servants or employees or as an agent, servant or employee shall act as a hawker, peddler, solicitor or canvasser as herein defined without a license or shall violate any of the provisions of this chapter or who, having had his license revoked, shall continue to act as a hawker, peddler, solicitor or canvasser shall, upon conviction, be punished by a fine or imprisonment as set forth in Chapter 1,

General Provisions, Article II, General Penalty. Each day on which such violation continues shall constitute a separate offense.

Chapter 113, RECORDS

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill: Art. I, 2-21-1989; Art. II, 6-19-1995 as L.L. No. 3-1995. Amendments noted where applicable.]

ARTICLE I, Records Retention [Adopted 2-21-1989]

§ 113-1. Retention and disposition schedule adopted.

The Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all municipal officers in disposing of municipal government records listed therein.

§ 113-2. Disposal.

In accordance with Article 57-A:

- A. Only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention period prescribed therein.
- B. Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established time periods.

§ 113-3. Records Management Officer designated. ^{7EN}

Pursuant to § 57.19 of the Arts and Cultural Affairs Law, the Village Clerk is hereby designated records management officer.

ARTICLE II, Public Access to Records [Adopted 6-19-1995 as L.L. No. 3-1995]

§ 113-4. Purpose and scope.

- A. The people's right to know the process of government decisionmaking and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- B. This Article provides the procedures by which village records may be obtained.
- C. Village personnel, as set forth within this Article, shall furnish to the public the information and records required by § 84 et seq. of the Public Officers Law, known as the "Freedom of Information Law," together with such other records as otherwise

may be available by law.

- D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 113-5. Records Access Officer.

- A. The Board of Trustees of the Village of Cobleskill is responsible for ensuring compliance with the provisions within this Article.
- B. The Village Clerk is hereby designated as the Records Access Officer for the Village of Cobleskill to assist the Board in administration of this Article.
- C. The Records Access Officer shall be responsible for ensuring appropriate agency response to public requests for access to village records. Designation of a Records Access Officer shall not be construed to prohibit officials who in the past have been authorized to make records of information available to the public from continuing to do so.
- D. The Records Access Officer shall ensure that village personnel:
- (1) Maintain an up-to-date subject matter list.
 - (2) Assist the requester in identifying requested records, if necessary.
 - (3) Upon locating the records, take one (1) of the following actions:
 - (a) Make records available for inspection.
 - (b) Deny access to the records in whole or in part and explain, in writing, the reason for such action.
 - (4) Upon request for copies of available records:
 - (a) Make a copy available to the requester upon payment or offer to pay established fees, if any, as set forth within this Article; and
 - (b) Permit the requester to copy such records.
 - (5) Upon request, certify that a record is a true copy.
 - (6) Upon failure to locate records, certify that:
 - (a) The village is not the custodian for such records; or
 - (b) The records of which the village is a custodian cannot be found after diligent search.

§ 113-6. Location and inspection of records.

- A. Records shall be available for public inspection and copying at the office of the Records Access Officer.
- B. Requests for public access to records shall be accepted and records produced during all hours in which the office of the Records Access Officer is open to the public.

§ 113-7. Subject matter list.

- A. The Records Access Officer shall maintain a reasonably detailed current list by subject matter of all records in his or her possession, whether or not such records are available pursuant to the Freedom of Information Law.
- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

§ 113-8. Requests for access.

- A. The Records Access Officer may require a written request for a record; however, oral requests may be accepted when records are readily available.
- B. A response to any request reasonably describing the record or records sought shall be given by the Records Access Officer within five (5) business days of receipt of the request.
- C. A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the record sought.
- D. If the Records Access Officer does not provide or deny access to the records sought within five (5) business days of the receipt of a request, he or she shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within ten (10) business days after the date of acknowledgment of receipt of a request, the request may be construed as a denial of access.

§ 113-9. Denial of access; appeals.

- A. Denial of access to records shall be in writing, stating the reason for such denial and advising the requester of the right to appeal to the Mayor of the Village of Cobleskill.
- B. If requested records are not provided promptly, as required by this Article, such failure also shall be deemed a denial of access.
- C. The time for deciding an appeal by the Mayor shall commence upon receipt of a written appeal identifying:
 - (1) The date of the appeal.
 - (2) The date of and the location at which the request for records was made.
 - (3) The records to which the requester was denied access.
 - (4) Whether the denial of access was in writing or due to failure to provide records promptly as required by this Article.
 - (5) The name and return address of the requester.
- D. The Mayor shall inform, in writing, the requester of his or her decision as to the appeal within ten (10) business days of receipt of an appeal.
- E. The Mayor also shall forward simultaneously with the decision a copy of the appeal and the decision to the State Committee on Open Government.

§ 113-10. Fees.

- A. The fee for photocopies not exceeding eight and one-half by fourteen (8 1/2 x 14) inches shall be twenty-five cents (\$0.25) per page.
- B. There shall be no fee for:
 - (1) Inspection of records.
 - (2) Search for records.
 - (3) Certification of a record pursuant to this Article.

§ 113-11. Public notice.

A notice containing the name, title and business address of the Records Access Officer

and the Mayor, as appeals officer, together with the location where records can be seen and copied shall be posted in a conspicuous location wherever records are kept and/or published in the village's official newspaper.

Chapter 118, SEWERS

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Water -- See Ch. 154.

ARTICLE I, Sewer Connections [Adopted 12-1-1980 as L.L. No. 1-1980]

§ 118-1 Purpose.

The purpose of these rules and regulations are specifically stated as follows:

- A. To prohibit excessive volume and/or inordinate rates of flow of sewage and wastes into the Village system and all sewers tributary thereto.
- B. To prohibit the contribution of sewage, industrial wastes or other wastes of a flammable nature or which create in any way a poisonous or hazardous environment for sewerage maintenance and operation personnel.
- C. To prohibit the contribution of sewage, industrial wastes or other wastes which may impair the hydraulic capacity, operation of the intercepting sewers, force mains, pumping stations sewage regulators and other structures and appurtenances of the Village system and sewers tributary thereto.
- D. To prohibit the contribution of sewage, industrial wastes or other wastes which may create operating difficulties at the water pollution control plant as it now exists or may be constructed, modified or improved in the future.
- E. To prohibit and/or regulate the contribution of sewage, industrial wastes or other wastes which require for treatment at the plant greater expenditures than are required for equal volumes of normal sewage.
- F. To require the pretreatment or flow control, before introduction into the Village sewerage system or sewers tributary thereto, of such wastes as may impair the strength and/or durability of the structures appurtenant to the system or may interfere with the normal treatment processes or may impair the designated uses of the classified receiving waters.
- G. To provide cooperation with any other agencies which have requirements or jurisdiction for the protection of the physical, chemical and bacteriological quality of watercourses within or bounding the county.
- H. To protect the public health and to prevent nuisances.

§ 118-2 Definitions and word usage.

A. Unless the context specifically indicates otherwise, the meanings of terms used in this Article shall be as follows:

ASTM -- The American Society for Testing and Materials.

BOD (DENOTING "BIOCHEMICAL OXYGEN DEMAND") -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter. The laboratory determinations shall be made in accordance with standard methods.

BOARD -- The duly elected Board of Trustees of the Village of Cobleskill or its authorized deputy, agent or representative.

BUILDER -- Any person, persons or corporation who undertakes to construct, either under contract or for resale, any habitable building.

BUILDING DRAIN -- That part of the lowest horizontal piping of a drainage system which receives the discharge from pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER -- The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER -- A sewer receiving both surface runoff and sewage.

CONTAMINATION -- An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

CONTRACTOR -- Any person, firm or corporation approved by the Board to do work in the Village.

COUNTY -- The County of Schoharie.

DEVELOPER -- Any person, persons or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

ENGINEER -- The professional engineer retained by the Village of Cobleskill.

GARBAGE -- Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES -- The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

NYSDEC -- New York State Department of Environmental Conservation.

NATURAL OUTLET -- Any sewer outlet that would ultimately reach a watercourse, pond, ditch, lake or other body of surface or ground water.

OWNER -- Any individual, firm, company, corporation, association, society, person or group having title to real property.

PERSON -- Any individual, firm, company, association, society, corporation or group.

PH -- The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

POLLUTION -- The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

PRETREATMENT -- The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except as prohibited by 40 CRF 403.6, General Pretreatment Regulations for Existing and New

Sources of Pollution.

PROPERLY SHREDDED GARBAGE -- The wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

PROPERTY LINE -- Boundary of the street if the building sewer is to connect with the public sewer in a public street. "Property line" shall mean the edge of a permanent sewer right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

PUBLIC SEWER -- A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

SANITARY SEWER -- A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE -- A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm water as may be present.

SEWAGE TREATMENT PLANT -- Any arrangement of devices and structures used for treating sewage; also known as "water pollution control plant" and/or "publicly owned treatment works (POTW)."

SEWAGE WORKS -- All facilities for collecting, pumping, treating and disposing of sewage.

SEWER -- A pipe or conduit for carrying sewage.

STANDARD DIMENSION RATIO (SDR) -- The ratio of the nominal diameter to the wall thickness of a pipe.

STANDARD METHODS -- The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

STATE PLUMBING CODE -- The New York State Uniform Fire Prevention and Building Code applicable to plumbing, including all amendments. [Amended 3-18-1996 by L.L. No. 2-1996]

STORM SEWER OR STORM DRAIN -- A pipe or conduit which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes.

SUSPENDED SOLIDS -- Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering. The laboratory determination shall be made in accordance with standard methods.

TRAP -- A device, fitting or assembly of fittings installed in the building drain to prevent sewer gases from entering and circulating through the building drainage system inside the building.

USEPA -- The United States Environmental Protection Agency.

VENT -- That part of a plumbing system consisting of piping installed to permit adequate circulation of air in all parts of the building sanitary drainage system and to prevent trap siphonage and back pressure.

VILLAGE -- The Village of Cobleskill, Schoharie County, New York.

WATERCOURSE -- A channel in which a flow of water occurs, either continuously or intermittently.

B. As used in this chapter, shall is mandatory and may is permissive.

§ 118-3 Unlawful acts.

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the Village or in any area under the jurisdiction of said Village any human or animal excrement, garbage or other objectionable waste. Exceptions may be granted by the Board to an owner or lessee acting in the normal course of farm or garden operations but only after specific application by such owner or lessee and upon such conditions as the Village Board may impose.
- B. It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the Village or in any area under the jurisdiction of the Village any sewage, industrial wastes or other polluted waters. Use of separate storm sewers and sanitary sewers is mandatory for all future construction in the Village. No combined sewers will be allowed to be constructed in the future.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§ 118-4 Connection to public sewers required.

The owner of any real property which generates sewage and which abuts on any street or right-of-way in which a public sanitary sewer is located is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within three months after the date of official notice to do so, provided that said public sewer is located within 300 feet of the property line. Nothing in this section shall be construed to prevent connection by properties not hereby required to become connected.

§ 118-5 Private sewage disposal.

- A. Where a public sewer system is not available, a private sewage disposal system may be used and shall conform to the requirements of the Schoharie County Health Department and the requirement of the New York State Department of Environmental Conservation dealing with septic tank installations. Prior to construction of any private sewage disposal system, a permit must be obtained from the Village.
- B. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 118-4, a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- C. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Environmental Conservation or Schoharie County Health Department.

§ 118-6 Permit required; application; fees; costs.

- A. No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board or its duly authorized agent.
- B. There shall be two classes of building sewer permits: one for residential and commercial service, and one for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer. A permit, tap-in and inspection fee shall be paid to the Village Clerk at the time an application is filed for a connection to an existing public sewer lateral at the property line. The amount of this fee shall be set by the Village Board and may be changed from time to time at the discretion of the Board. Where no public sewer lateral exists, the Village or its duly authorized agent will install a wye in the existing public sewer and extend a public sewer lateral to the property line for connection and the applicant will be charged for this work at cost in addition to the permit, tap-in and inspection fee.

§ 118-7 General regulations.

- A. A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- B. Existing building sewers may be used in connection with a new building only when they are found, on examination and test by the Board or its duly authorized agent, to meet all requirements of this Article.
- C. The building sewer shall be tar-coated, extra heavy cast iron soil pipe conforming to ASTM Specification A74 or polyvinyl chloride (PVC) pipe conforming to ASTM D-3034 providing a minimum SDR of 35 and a minimum pipe stiffness of 46 at five-percent deflection (Schedule 40 PVC pipe) or asbestos-cement pipe conforming to ASTM Specification C-428. Joints shall be tight and waterproof.
- D. The size and slope of the building sewer shall be subject to the approval of the Board or its duly authorized agent, but in no event shall the diameter be less than four inches, nor shall the slope of the pipe be less than 1/4 inch per foot unless permission is granted by the Board. In any case, the slope of the pipe shall not be less than 1/8 inch per foot.
- E. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but in no event shall be less than three feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper,

plug or other approved means.

- F. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.
- G. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Board. Pipelaying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C12, except that no backfill shall be placed until the work has been inspected by the Board.
- H. Joints.
 - (1) All joints and connections shall be made gastight and watertight. No cement joints will be permitted. No paint, varnish or other coatings shall be permitted on the joining material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe material shall be made with special adapters and joint materials approved by the Board.
 - (2) Pre-molded gasket joints for hub and plain end cast iron pipe and PVC pipe shall be used with a neoprene compression-type gasket which provides a positive double seal in the assembled joint. The gasket shall be a premolded, one-piece unit designed for joining the pipe and plain end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub itself. Lubricant shall be a bland, flax-base, nontoxic material and shall not chemically attack the gasket material.
- I. The connection of the building sewer into a public sewer shall be made at the location of the lateral connection provided by the Village or directly to the sanitary sewer as directed by the Board in individual circumstances. The owner shall indemnify the Board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Board.
- J. Inspection.
 - (1) The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Board.
 - (2) When trenches are opened for the laying of building sewer pipes, such installations shall be inspected by the Board before the pipes are covered; and the person performing such work shall notify the Board when the installation of the building sewer is completed. The covering of a pipe before inspection is made will subject the person to whom a permit is issued to penalties under § 118-16 of this Article and the installation will not be approved for use until it is uncovered and inspected by the Board.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Board.

- L. When any building sewer is to serve a school, hospital or similar institution or public building or is to serve a complex of industrial or commercial buildings or which, in the opinion of the Board, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Board shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Board. If required, a new manhole shall be installed in the public sewer pursuant to § 118-8D and the building sewer connection made thereto as directed by the Board.
- M. There shall be installed an accessible cleanout on the building sewer. The cleanout shall have a watertight center sunk brass plug or its equivalent.
- N. No public or private building, dwelling or store will be permitted to make any connection whatsoever to a sanitary sewer system unless the same has a soil line extended to a point above the roof and properly vented or otherwise vented in a manner approved by the Sewer Superintendent.
- O. Grease traps must be installed for restaurants, hotels, buildings with commercial kitchens or whenever the Village Board or its duly authorized agent may direct. Grease traps must be kept clean at all times at the owner's expense. The size and design of the grease trap shall be approved by the Sewer Superintendent. Grease traps should not be preceded by garbage grinder or disposal units. [Amended 3-18-2002 by L.L. No. 4-2002]
- P. After completion of lateral building sewer connection to the public sewer system in accordance with these regulations, the property owner shall be responsible for subsequent repairs of the building lateral to the curblin of the public street. If no curb is present, the curblin shall be defined as the edge of pavement. The Village shall be responsible for repairs beyond that point. [Added 12-18-2007 by L.L. No. 15-2007]

§ 118-8 Sewer extensions.

- A. All extensions to the sanitary sewer system owned and maintained by the Village shall be properly designed in accordance with and in strict conformance with all requirements of the New York State Department of Environmental Conservation. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the New York State Department of Environmental Conservation or County Health Department before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.
- B. Sewer extensions, including individual building sewers from the public sewer to the property line, may be constructed by the Board under public contract if, in the opinion of the Board, the number of properties to be served by such extension warrants its costs. Under this arrangement the property owner shall pay for and install the building sewer from the property line to his residence or place of business in accordance with the requirements of §§ 118-6 and 118-7. Property owners may propose sewer extensions within the Village by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Board. The cost of such extensions may be assessed to the benefited property owners pursuant to applicable law.

- C. If the Board does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved in accordance with the requirements of Subsection A. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required, and the inspection fees shall be paid. Design of sewers shall be as specified in Subsection D. The installation of the sewer extension must be subject to periodic inspection by the Engineer, and the expenses for this inspection shall be paid for by the owner, builder or developer. The Engineer's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in Subsection E before it is to be used.
- D. Main line sewer design.
- (1) Main line sewer design shall be in accordance with the following provisions:
 - (a) Pipe material shall be asbestos-cement conforming to ASTM Specification C-428, Type II; or polyvinyl chloride pipe conforming to ASTM Specification D-3034.
 - (b) Minimum internal pipe diameter shall be eight inches.
 - (c) Joints for each type of pipe shall be designed and manufactured such that O-ring gaskets of the "slip on" type are employed.
 - (d) Gaskets shall be continuous, solid neoprene and shall provide a positive compression seal in the assembled joint such that the requirements of Subsection E are met.
 - (e) Wye branch fittings shall be installed for connection to building sewers in accordance with § 118-7A.
 - (2) Pipe thicknesses and field strengths shall be calculated using the following criteria:
 - (a) Safety factor: 1.5.
 - (b) Load factor: 1.5.
 - (c) Weight of soil: 120 pounds per cubic foot.
 - (d) Wheel loading: 16,000 pounds.
 - (3) The transition width shall be used in conjunction with the above to compute pipe class for asbestos cement pipe. Polyvinyl chloride pipe shall have wall thicknesses equal to or greater than those provided by an SDR of 35.
 - (4) Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, Design and Construction of Sanitary and Storm Sewers.
 - (5) Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall have a precast minimum four-foot-diameter concrete manhole barrel section with an eccentric tapered top section and a base section as specified by ASTM C-478. All manhole bench walls shall be finished and smoothed and not left in a coarse condition. The manhole frame and cover shall be the standard design of the Village and shall be set with no fewer than two courses, or equal, and no more than four courses, or equal, of brick underneath to allow for later adjustment in elevation. All joints shall be sealed with O-rings against infiltration. [Amended 5-6-2003 by L.L. No. 6-2003]

E. Exfiltration testing.

- (1) All sewer extensions shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the Board. This test consists of filling the pipe with water to provide a head of at least five feet above the top of the pipe or five feet above groundwater, whichever is higher, at the highest point of the pipeline under test, and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled with water for at least 24 hours prior to the taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end or in one of the sewer manholes available for convenient measuring.
- (2) When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The test length intervals for either type of test shall be as ordered or approved but in no event shall they exceed 1,000 feet. In the case of sewers laid on steep grades, the length of line to be tested by exfiltration at any one time may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the line. The test period wherein the measurements are taken shall not be less than two hours in either type of test.
- (3) The total leakage of any section tested shall not exceed the rate of 20 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining the maximum allowable leakage, manholes shall be considered as sections of forty-eight-inch diameter pipe, five feet long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours, for forty-eight-inch diameter manholes. If leakage exceeds the specified amount, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit, and the tests shall be repeated until the leakage requirement is met.
- (4) Other forms of sewer testing may be permitted subject to the approval of the Engineer and NYSDEC Standards.

F. All sewer extensions constructed at the property owner's, builder's, or developer's expense, after final approval and acceptance by the Engineer, shall become the property of the Village and shall thereafter be maintained by the Village. Said sewers shall be televised at the owner's, builder's or developer's expense, and, after their acceptance by the Village, shall be guaranteed against defects in materials or workmanship for 12 months. The guaranty shall be in a form provided for by the Village. At the sole discretion of the Village, a completion bond or other security may be demanded as part of the guaranty. [Amended 5-6-2003 by L.L. No. 6-2003]

G. No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Village unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers. Approval shall be by the Schoharie County Health Department.

§ 118-9 Discharge restrictions.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a watercourse approved by the Board. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Board, the NYSDEC and the USEPA to a storm sewer or natural outlet.
- C. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (1) Any liquid or vapor having a temperature higher than 150° (65° C.) or in such quantities that the temperature at the treatment works influent exceeds 104° F. (40° C.) unless the works are designed to accommodate such heat.
 - (2) Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32° and 150° F. (0° and 65° C.).
 - (3) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, exceeding an average concentration of 100 milligrams per liter (mg/liter) of insoluble matter.
 - (4) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or Requirements. It shall be unlawful to contribute the following substances to any POTW:
 - (a) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Village, the state or EPA has notified the user is a fire hazard or a hazard to the system.
 - (b) Any stormwater, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any water motor or the contents of any privy vault, septic tank or cesspool or the discharge or effluent from any air-conditioning machine or refrigeration unit. Nothing contained within this subsection shall preclude the Village Board from establishing rules and regulations which may provide for such discharges into the system at or near the Village's sewer treatment plant on such terms and at such costs as the Village Board may determine, provided that such discharges comply with the spirit of this article and protect the integrity of the sewer system. [Added 6-21-1993 by L.L. No. 1-1993]

- (5) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide, nitrous oxide or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- (6) Any garbage that has not been properly shredded, including:
 - (a) Plastic, paper products, inert materials or garden refuse.
 - (b) Wastes generated in preparation of food not normally consumed on the premises.
- (7) Any grease, ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, whole blood, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids or any other solid or viscous substance capable of causing obstruction to the flow of the sewers or other interference with the proper operation of the sewage works.
- (8) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalies must be neutralized at all times within a permissible pH range of 5.5 to 9.5.
- (9) Any cyanides, in excess of 0.2 milligrams per liter by weight as CN.
- (10) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with state or federal regulations.
- (11) Any waters or wastes that for a duration of 15 minutes have a concentration greater than five times that of normal sewage as measured by suspended solids and BOD and/or which is discharged continuously at a rate exceeding 1,000 gallons per minute except by special permit. Normal sewage shall be construed to fall within the following ranges:

Constituents	Permissible Range (milligrams per liter)
Suspended solids	180 to 350
BOD	140 to 300
Chlorine requirements	5 to 20

- (12) Any stormwater, roof drains, springwater, cistern or tank overflow, footing drain, discharge from any water motor or the contents of any privy vault, septic tank or cesspool or the discharge or effluent from any air conditioning machine or refrigeration unit.
- (13) Toxic substances.
 - (a) No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of any sewage treatment facility

to which the Village's sewage collection system is tributary. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage. If concentrations listed are exceeded, individual establishments will be subject to control by the Board in volume and concentration of wastes discharged.

Limits of Toxic Substances in Sewage

Parameter	Effluent Concentration Limit (mg/l) 30-Day Average (Water Quality Limiting)
Cadmium	0.4
Hexavalent chromium	0.2
Total chromium	4.0
Copper	0.8
Lead	0.2
Mercury	0.2
Nickel	4.0
Zinc	1.2
Arsenic	0.2
Available chlorine	50.0
Cyanide, free	0.4
Cyanide, complex	1.6
Selenium	0.2
Sulfide	6.0
Barium	4.0
Manganese	4.0
Gold	0.2
Silver	0.2
Fluorides to fresh water	4.0
Phenol	4.0

(b) The above limits shall be superseded when new limits are established by the

NYSDEC or USEPA.

- (14) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (15) Any discoloration such as, but not limited to, dyes, inks, and vegetable tanning solutions or any other condition in the quality of treatment works effluent in such a manner that receiving water quality requirements established by law cannot be met.
 - (16) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or state criteria applicable to the sludge management method being used.
- D. Modification of limitations. [Added 7-15-2002 by L.L. No. 7-2002]
- (1) Limitations on wastewater strength or mass discharge contained in this article may be supplemented with more stringent limitations when, in the opinion of the Wastewater Superintendent:
 - (a) The limitations in this article are not sufficient to protect the publicly owned treatment works (POTW);
 - (b) The limitations in this article are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW SPDES permit;
 - (c) The POTW sludge will be rendered unacceptable for disposal or reuse as the Village desires, as a result of discharge of wastewaters at the above-prescribed concentration limitations;
 - (d) Municipal employees or the public will be endangered; or
 - (e) Air pollution and/or groundwater pollution will be caused.
 - (2) The limitations on wastewater strength or mass discharge shall be recalculated at least once every five years. The results of these calculations shall be reported to the Village Board. This article shall then be amended appropriately. Any issued industrial wastewater discharge permits with limitations that are based directly on any limitations which were changed shall be revised and amended, as appropriate.
- E. Access to user's records. The Superintendent shall have the authority to copy any record related to wastewater discharges to the POTW. [Added 7-15-2002 by L.L. No. 7-2002]
- F. Dilution. Except where expressly authorized to do so by an applicable pretreatment standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment

to achieve compliance with a pretreatment standard. Dilution flow shall be considered to be inflow. [Added 7-15-2002 by L.L. No. 7-2002]

- G. Rejection of wastewater. The Village Board may reject a user's wastewater, on recommendation of the Superintendent, when the Superintendent has determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the POTW and its processes, or on the receiving water, or which constitute a public nuisance or hazard. [Added 7-15-2002 by L.L. No. 7-2002]

§ 118-10 Grease, oil and sand interceptors.

- A. Grease, oil and sand interceptors shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Engineer or the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Engineer or the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.
- C. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Board at any time.
- D. The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 300 milligrams per liter by weight or containing more than 350 milligrams per liter of suspended solids or containing more than 15 milligrams per liter of chlorine demand or containing any quantity of substances having the characteristics described in § 118-9C or having an average daily flow greater than 2% of the average daily sewage flow of the Village shall be subject to the review and approval of the Engineer or the Superintendent. Where necessary, in the opinion of the Engineer or the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 milligrams per liter and the suspended solids to 350 milligrams per liter by weight or reduce the chlorine to 15 milligrams per liter or reduce objectionable characteristics or constituents to within the maximum limits provided for in § 118-9C, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer or the Superintendent and of the Department of Environmental Conservation of the State of New York, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Engineer or the Superintendent will constitute a violation of this Article.
- E. Where applicable, users of the public sewer system shall comply with Section 307 (b) of the Federal Water Pollution Control Act Amendments of 1972 or any subsequent

law concerning pretreatment standards.

- F. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 118-11 Discharge permits and pretreatment requirements. [Added 7-15-2002 by L.L. No. 7-2002^{8EN}]

- A. Wastewater discharge reports. Each industrial user shall be required to notify the Superintendent of any new or existing discharges to the POTW by submitting a completed industrial chemical survey (ICS) form and a completed industrial wastewater survey (IWS) form to the Superintendent. The Superintendent may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement the reports when the Superintendent deems necessary. The industrial user shall furnish all information in complete cooperation with the Superintendent.
- B. Notification to industrial users. The Superintendent shall, from time to time, notify each industrial user of applicable pretreatment standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA.
- C. Wastewater discharges. No significant industrial user shall discharge wastewater to the POTW without having a valid wastewater discharge permit, issued by the Superintendent. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provisions of this article. Violation of a permit term or condition is deemed a violation of this article.
- (1) Wastewater discharge permits required for significant industrial users. All significant industrial users proposing to connect to or to discharge to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a wastewater discharge permit within 30 days after the effective date of this article, and shall obtain such a permit within 90 days after making application.
 - (2) Other industrial users. The Superintendent may issue wastewater discharge permits to other industrial users of the POTW.
 - (3) Discharge permits to storm sewers not authorized. The Village does not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.
- D. Application for wastewater discharge permits.
- (1) Industrial users required to obtain a wastewater discharge permit shall complete and file with the Superintendent an application in the form prescribed by the Village. The applicant must include the application fee, as set forth in § 188-20. In an application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:
 - (a) Name, address, and location (if different from the address).
 - (b) SIC code of both the industry and any categorical processes.
 - (c) Wastewater constituents and characteristics, including, but not limited to, those mentioned elsewhere in this article and which are limited in the appropriate categorical standard, as determined by a reliable analytical

laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with Standard Methods.

- (d) Time and duration of the discharge.
- (e) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances.
- (g) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the POTW.
- (h) Each product produced by type, amount, process or processes, and rate of production.
- (i) Type and amount of raw materials processed (average and maximum per day).
- (j) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- (k) The nature and concentration of any pollutants in the discharge which are limited by any county, state, or federal standards, and a statement whether the standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable standards.
- (l) If additional pretreatment and/or O&M will be required to meet the standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - [1] The schedule shall contain progress increments by dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).
 - [2] No increment referred to in Subsection D(1)(l)[1] above shall exceed nine months, nor shall the total compliance period exceed 18 months.
 - [3] Within 14 calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent, including, as a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. No more than 9 months shall elapse between such progress reports to the Superintendent.
- (m) Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application.

- (2) The Superintendent will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue a wastewater discharge permit subject to terms and conditions provided herein.

E. Permit modifications.

- (1) Wastewater discharge permits may be modified by the Superintendent, upon 30 days' notice to the permittee, for just cause. Just cause shall include, but not be limited to:
 - (a) Promulgation of an applicable National Categorical Pretreatment Standard;
 - (b) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13;
 - (c) Changes in general discharge prohibitions and local limits as per § 118-9 of this article;
 - (d) Changes in processes used by the permittee, or changes in discharge volume or character;
 - (e) Changes in design or capability of any part of the POTW;
 - (f) Discovery that the permitted discharge causes or contributes to pass-through or interference; and
 - (g) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.
- (2) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in § 118-11D(12)(a).

F. Permit conditions. Wastewater discharge permits shall be expressly subject to all the provisions of this article, and all other applicable regulations, user charges and fees established by the Village. Permits may contain the following:

- (1) Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization.
- (2) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.
- (3) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
- (5) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (6) Compliance schedules.
- (7) Requirements for submission of technical reports or discharge reports.
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Village, and affording the Superintendent access thereto.
- (9) Requirements for notification of the Village of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (10) Requirements for the notification of the Village of any change in the manufacturing and/or pretreatment process used by the permittee.

- (11) Requirements for notification of excessive, accidental, or slug discharges.
- (12) Other conditions as deemed appropriate by the Village to ensure compliance with this article, and state and federal laws, rules, and regulations.
- G. Permit duration. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than five years.
- H. Permit reissuance. The user shall apply for permit to be reissued a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Superintendent, during the term of the permit, as limitations or requirements, as identified in § 118-11E, or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in § 118-11D(1)(l)[1].
- I. Permit transfer. Wastewater discharge permits are issued to a specific User for a specific operation, or discharge at a specific location. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.
- J. Permit revocation. Wastewater discharge permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Superintendent timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges, and failure to meet compliance schedules.
- K. Public notification. The Village will publish in the Village official daily newspaper(s) informal notice of intent to issue a wastewater discharge permit, at least 14 days prior to issuance.
- L. Reporting requirements for permittee.
 - (1) The reports or documents the permittee must submit or maintain under this section shall be subject to:
 - (a) The provisions of 18 USC § 1001 relating to fraud and false statements;
 - (b) The provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
 - (c) The provisions of Section 309(c)(6) of the Act, as amended, regarding corporate officers.
 - (2) Baseline monitoring report. Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a user subject to that standard shall submit, to the Superintendent, the information required by § 118-11D(1)(h) and (i).
 - (3) Ninety-day compliance report. Within 90 days following the date for final compliance with applicable Pretreatment Standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards and requirements. The report shall state whether the

applicable pretreatment standards and requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports.

- (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent, during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in § 118-11D. At the discretion of the Superintendent, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted; however, no fewer than two reports shall be submitted per year.
- (b) The Superintendent may impose mass limitations on users, which are using dilution to meet applicable pretreatment standards or requirements, or, in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by § 118-11L(4)(a) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Superintendent, of pollutants contained therein, which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.

(5) Violation report. If sampling, performed by the user, indicates a violation of this article and/or the user's discharge permit, the user shall notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The user is not required to resample if the POTW performs monitoring of the user's discharge at least once a month for the parameter that was violated, or if the POTW performs sampling for the parameter that was violated, between the user's initial sampling and when the user receives the results of this sampling.

(6) Other reports. The Superintendent may impose reporting requirements equivalent to the requirements imposed by § 118-11L(4) for users not subject to pretreatment standards.

M. Flow equalization. No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than 100,000 gallons per day or greater than 5% of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control

facility to insure equalization of flow over a twenty-four-hour period. The facility shall have a capacity for at least 50% of the daily discharge volume and shall be equipped with alarms and a rate-of-discharge controller, the regulation of which shall be directed by the Superintendent. A wastewater discharge permit may be issued solely for flow equalization.

N. Monitoring stations (control manholes).

- (1) All significant industrial users, and other industrial users whose industrial waste discharge has caused or may cause interference or pass-through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.
- (2) If there is more than one street lateral serving an industrial user, the Superintendent may require the installation of a control manhole on each lateral.
- (3) The Superintendent may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the industrial user shall allow immediate access, without prior notice, to the station by the Superintendent, or his designated representative.

O. Proper design and maintenance of facilities and monitoring stations. Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense. Where an industrial user has such treatment, equalization, or monitoring facilities at the time this article is enacted, the Superintendent may approve or disapprove the adequacy of such facilities. Where the Superintendent disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring are required, plans and specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the Superintendent. Construction of new or upgraded facilities shall not commence until written approval of the Superintendent has been obtained.

P. Vandalism; tampering with measuring devices. No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- (1) Any structure, appurtenance, or equipment which is a part of the Village POTW; or
- (2) Any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this article except as approved by the Superintendent.

Q. Sampling and analysis.

- (1) Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.
- (2) All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this article shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in § 118-11N, if such a station exists. If an approved monitoring

station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in federal regulation, samples shall be gathered as flow-proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

R. Accidental discharges; SPCC plan.

- (1) Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this article or of an industrial wastewater discharge permit. Users shall immediately notify the Superintendent of the discharge of wastes in violation of this article or any permit. Such discharges may result from:
 - (a) Breakdown of pretreatment equipment.
 - (b) Accidents caused by mechanical failure, or negligence.
 - (c) Other causes.
- (2) Where possible, such immediate notification shall allow the Superintendent to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five days of the occurrence, and the Superintendent shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.
- (3) When required by the Superintendent, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Superintendent, for approval. These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:
 - (a) Description of discharge practices, including nonroutine batch discharges;
 - (b) Description of stored chemicals;
 - (c) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any National Prohibitive Discharge Standard;
 - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

S. Posting notices. To inform the industrial user's employees of the Village requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the Village requirements and whom to call in case of an accidental discharge in violation of this article.

- T. Sample splitting. When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the Village representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols, including any quality control (QC) procedures. One of the portions shall be given to the representative of the industrial user whose wastewater was sampled, and the other portion shall be retained by the Village for its own analysis.
- U. Public access to information maintained by the Superintendent.
- (1) When requested, the Superintendent shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges, shall not be recognized as confidential.
 - (2) Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this article, or the SPDES permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with state or federal laws, rules and regulations. The Superintendent shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.
- V. Access to property and records. The Superintendent and other authorized representatives of the Village, representatives of EPA, NYSDEC, NYSDOH, and/or the county health department, bearing proper credentials and identification, shall be permitted to enter upon all nonresidential properties at all times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with federal and state law governing use of the Village POTW, and with the provisions of this article. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the user's property or property rented/leased by the user, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Such representative(s) shall, additionally, have access to and may copy any records the user is required to maintain under this article. Where a user has security measures in force that would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.
- W. Access to easements. The Superintendent, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Village holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Village public sewer system

lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

- X. Liability of property owner. During the performance, on private premises, of inspections, sampling, or other similar operations referred to in § 118-11U, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.
- Y. Special agreements.
 - (1) Nothing in this article shall be construed as preventing any special agreement or arrangement between the Village and any user of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Village Board shall consider whether the wastewater will:
 - (a) Pass-through or cause interference;
 - (b) Endanger the public municipal employees;
 - (c) Cause violation of the SPDES permit;
 - (d) Interfere with any purpose stated in § 118-1;
 - (e) Prevent the equitable compensation to the Village for wastewater conveyance and treatment, and sludge management and disposal.
 - (2) No discharge that violates the federal pretreatment standards will be allowed under the terms of such special agreements.
 - (3) No agreement shall be entered into without the user having been issued and presently having a permit to discharge wastes into the POTW for treatment and disposal. Additionally the user shall be in compliance with all conditions in the permit and shall not be in arrears in any charges due to the Village before the agreement is entered into. The Village Board may condition the agreement.

§ 118-12 Manholes.

- A. When required by the Board, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Engineer or the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- B. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in § § 118-9C and 118-10F shall be determined in accordance with Standard Methods for the Examination of Water and Sewage or

National Pretreatment Standards developed by EPA, 40 CFR 403, including all amendments, upon suitable samples taken at control manhole provided for in Subsection A. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

§ 118-13 Accidental discharge; notification.

- A. Detailed plans showing facilities and operating procedures to provide protection from accidental discharge of prohibited materials or other wastes from significant contributing industries shall be submitted to the Village for review and shall be acceptable to the Village before construction of the facilities.
- B. An industrial user shall notify the Village immediately upon accidentally discharging wastes in violation of this Article. This notification shall be followed within 15 days of the date of occurrence by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process or for any fines imposed on the municipality under applicable state and federal regulations.
- C. A notice shall be furnished and permanently posted on the industrial user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Article. Also, copies of this article are to be made available to user's employees.
- D. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall approximately label such entry points to warn against discharge of such wastes in violation of this article.

§ 118-14 Standards.

- A. When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the PL 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Village.
- B. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant specific limitation developed by the Village or state unless authorized by state or federal regulations.
- C. All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system, and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of Standard Methods for the Examination of Water and Sewage, published by the American Public Health

Association. However, alternative methods for the analysis of industrial wastes may be used subject to mutual agreement between the Board and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a twenty-four-hour period. However, more frequent and longer periods may be required at the discretion of the Board.

- D. The Village Board may establish by rule or regulation more stringent limitations or requirements discharge to the wastewater disposal system if deemed necessary and desirable to comply with objectives of this article. [Amended 6-21-1993 by L.L. No. 1-1993]

§ 118-15 Protection from damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Village's sewerage works. Any person violating this provision shall be subject to immediate arrest under applicable provisions of the Penal Law of the State of New York.

§ 118-16 Powers and authority of inspectors.

- A. The Board, the Engineer and their agents and personnel from the NYSDEC and USEPA bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, measurement, sampling and testing. The failure of the owner of real property or the person in possession of real property to admit the Board, the Engineer or their agents or personnel for the NYSDEC and USEPA at reasonable times and upon reasonable notice, considering the gravity and immediacy of the circumstances for which entry is requested, shall constitute presumptive evidence of a violation of this article.
- B. The Village shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The Village may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required by wastewater discharge permits or Village ordinance and sample any effluent which the owner or operator of such source is required to sample. Where a user has security measures in force, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification personnel from the Village will be permitted to enter without delay.

§ 118-17 Authorization to perform sewer system work.

The Board shall authorize plumbers and contractors or other persons to perform sewer system work after they have presented to the Board satisfactory evidence that they are capable of performing sewer system work in a workmanlike manner in accordance with this article. Only individuals so authorized will be allowed to make connections with the Village sewers or lay any sewers in connection therewith. Any person authorized shall give personal attention to any work done under this permit and shall employ only competent persons to do the work. Whenever, in the opinion of the Sewer Superintendent, anyone violates any of the provisions of this article, the Board may revoke the permit of such person.

§ 118-18 Enforcement and penalties for offenses. [Amended 7-15-2002 by L.L. No. 7-2002]

- A. Enforcement response plan. The Superintendent shall prepare an enforcement response plan. The enforcement response plan shall outline the procedures to be followed to identify, document, and respond to violations by users of the POTW. All violations by users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.
- (1) The enforcement response plan shall:
- (a) Describe how the Superintendent will investigate instances of noncompliance.
 - (b) Describe the types of escalated enforcement actions that the Superintendent will take in response to all anticipated types of user violations and the time periods within which to initiate and follow-up these actions
 - (c) Adequately reflect the Village Board's responsibility to enforce all applicable standards and requirements.
- (2) The enforcement response plan shall contain:
- (a) Criteria for scheduling periodic inspection and/or sampling visits to POTW users.
 - (b) Forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence.
 - (c) Systems to track due dates, compliance schedule milestones, and pending enforcement actions.
 - (d) Criteria, responsible personnel, and procedures to select and initiate an enforcement action.
- (3) The enforcement actions shall promote consistent and timely use of enforcement remedies. Enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:
- (a) Magnitude of the violation;
 - (b) Duration of the violation;
 - (c) Effect of the violation on the receiving water;
 - (d) Effect of the violation on the POTW;
 - (e) Effect of the violation on the health and safety of the POTW employees;
 - (f) Compliance history of the user;
 - (g) Good faith of the user.
- (4) The Village Board shall approve the enforcement response plan by a resolution. The enforcement response plan shall be reviewed at least every five years.
- B. Administrative remedies; notification of violation. Whenever the Superintendent finds that any user has violated or is violating this article, or any wastewater discharge permit, order, prohibition, limitation, or requirement permitted by this article, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within 10 calendar days after the Superintendent mails the notice, the user shall submit a written explanation of the violation and a plan for the satisfactory correction and prevention of further violations. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.
- C. Administrative remedies; consent orders. The Superintendent is hereby empowered to

enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order.

D. Administrative or compliance orders.

- (1) When the Superintendent finds that a user has violated or continues to violate this article or a permit, the Superintendent may issue an administrative order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- (2) The user may, within 15 calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in writing and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Modify or suspend the order; or
 - (b) Order the petitioner to show cause in accordance with § 118-18I and may, as part of the show-cause notice, request the user to supply additional information.

E. Administrative fines.

- (1) Notwithstanding any other section of this article, any user who is found to have violated any provision of this article, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.
- (2) The user may, within 15 calendar days of notification of the Superintendent's notice of such fine, petition the Superintendent to modify or suspend the order. Such petition shall be in writing and shall be sent to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Modify or suspend the fine; or
 - (b) Order the petitioner to show cause in accordance with § 118-18I and may as part of the show-cause notice, request the user to supply additional information.

F. Cease and desist orders.

- (1) When the Superintendent finds that a user has violated or continues to violate this article or any permit or administrative order, the Superintendent may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:
 - (a) Comply immediately;
 - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

- (2) The User may, within 15 calendar days of the date the Superintendent mails notification of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in writing and shall be sent to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Modify or suspend the order;
 - (b) Order the petitioner to show cause in accordance with § 118-18I and may as part of the show-cause notice, request the user to supply additional information.

G. Termination of permit.

- (1) Any user who violates the following conditions of this article or a wastewater discharge permit or administrative order, or any applicable or state and federal law, is subject to permit termination:
 - (a) Violation of permit conditions or conditions of an administrative order;
 - (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - (c) Failure to report significant changes in operations or wastewater constituents and characteristics;
 - (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
 - (e) Failure to pay administrative fines, fees or user charges.
- (2) Noncompliant industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.
- (3) The user may, within 15 calendar days of the date the Superintendent mails such notification, petition the Superintendent to permit continued use of the POTW by the user. Such petition shall be in writing and shall be sent to the Superintendent by registered mail. The Superintendent shall then order the petitioner to show cause in accordance with § 118-18I and may, as part of the show-cause notice, request the user to supply additional information.

H. Water supply severance.

- (1) Whenever a user has violated or continues to violate the provisions of this article or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- (2) The user may, within 15 calendar days of severance, petition the Superintendent to reconnect water supply service. Such petition shall be in writing and shall be sent to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Reconnect the water supply; or
 - (b) Order the petitioner to show cause in accordance with § 118-18I and may as part of the show cause notice request the user to supply additional information.

I. Show cause hearing.

- (1) The Superintendent may order any user appealing administrative remedies for violations of this article to show cause, before the Village Board, why an enforcement action, initiated by the Superintendent, should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Village Board regarding the violation, the reasons why the action is

- to be taken, the proposed enforcement action, and directing the user to show cause before the Village Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least 10 calendar days before the hearing in accordance with § 118-18K of this article. Service shall be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment.
- (2) The Village Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Village to conduct the hearing. The following powers are then granted to whosoever will conduct the hearing:
- (a) Issue, in the name of the Village Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings;
 - (b) Take the evidence;
 - (c) Take sworn testimony;
 - (d) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Board for action.
- (3) After the Village Board has reviewed the evidence and testimony, it may order the user to comply with the Superintendent's order or fine, modify the Superintendent's order or fine, or vacate the Superintendent's order or fine.
- J. Failure of user to petition the Superintendent. If the Superintendent issues any administrative order, terminates the user's permit, or makes any fine as set forth in this article, and the user fails, within the designated period of time set forth, to petition the Superintendent, as provided in appropriate sections of this article, the user shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.
- K. Notice. The notices, orders, petitions, or other notification which the user or Superintendent shall desire or be required to give pursuant to any sections of this article shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the user pursuant to the sections of this article shall be mailed to the user where the user's effluent is discharged into transmission lines to the Village's POTW. Any notice, petition, or other communication mailed to the Superintendent shall be addressed and mailed to the Village of Cobleskill offices located at 378 Mineral Springs Road, Cobleskill, New York 12043.
- L. Right to choose multiple remedies. The Superintendent shall have the right, within the Superintendent's sole discretion, to commence any one or more appropriate administrative remedies set forth in this article. In addition, the Superintendent may hold one show-cause hearing combining more than one enforcement action.
- M. Civil actions for penalties.
- (1) Any person who violates any provisions of this article, or who fails to perform any duty imposed by this article, or any administrative order or determination of the Superintendent promulgated under this article, or the terms of any permit issued hereunder, shall be liable to the Village for a civil penalty not to exceed \$1,000 for each such violation, to be assessed after a hearing (unless the user

waives the right to a hearing) held in conformance with the procedures set forth in this article. Each violation shall be a separate and distinct violation, and in the case of continuing violation, each day's continuance shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Village attorney, or a duly designated attorney, at the request of the Superintendent in the name of the Village in any court of competent jurisdiction, giving preference to courts local to the Village. Additionally, the Superintendent may recover all damages incurred by the Village from any persons or users who violate any provisions of this article, or who fail to perform any duties imposed by this article or any administrative order or determination of the Superintendent promulgated under this article, or the terms of any permit issued hereunder. The Superintendent may recover all reasonable attorney's fees incurred by the Village to enforce the provisions of this article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Superintendent may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

- (2) In determining the amount of civil penalty, the court shall consider all relative circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other relative factors as justice may require.

N. Court orders.

- (1) In addition to the power to assess penalties as set forth in this article, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this article, to seek an order:
 - (a) Suspending, revoking, or modifying the violator's wastewater discharge permit; or
 - (b) Enjoining the violator from continuing the violation.
- (2) Any such court order shall be sought in an action brought by the Village Attorney, at the request of the Superintendent, in the name of the Village in any court of competent jurisdiction, giving precedence to courts local to the Village.
- (3) The Village Attorney, at the request of the Superintendent, shall petition the Court to impose, assess, and recover such sums imposed according to this article. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

O. Criminal penalties.

- (1) Any person who willfully violates any provision of this article or any final determination or administrative order of the Superintendent made in accordance with this article shall be guilty of a Class A misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$500 nor more than \$1,000, or imprisonment not to exceed one year, or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

- (2) Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall be guilty of a Class A misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000 per violation per day or imprisonment for not more than one year, or both.
 - (3) No prosecution, under this subsection, shall be instituted until after final disposition of a show-cause hearing, if any, was instituted.
- P. Additional injunctive relief. Whenever a user has violated or continues to violate the provisions of this article or a permit or order issued hereunder, the Superintendent, through counsel, may petition the court, in the name of the Village, to issue a preliminary or permanent injunction, or both (as may be appropriate), to restrain the violation of, or compel the compliance with, any order or determination by the Superintendent.
- Q. Summary abatement.
- (1) Notwithstanding any inconsistent provisions of this article, whenever the Superintendent finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Superintendent, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Superintendent may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency order, the Superintendent may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed 15 calendar days, the Superintendent shall provide the user an opportunity to be heard, in accordance with the provisions of this article.
 - (2) If the user is not within the geographic boundaries of the Village, the right of the Supervisor to impose summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the intermunicipal agreement.
 - (3) The Superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW or the environment.
- R. Delinquent payments.
- (1) If there shall be any payments which are due to the Village, or any department thereof, pursuant to any article or section of this article, which shall remain due and unpaid, in whole or in part, for a period of 20 calendar days from the date of billing by the Village, the same shall constitute a default, and there shall be added to the entire amount of the original bill a penalty equal to 20% of the

- original bill, and interest shall accrue on the unpaid balance, at the rate of 2% per month, retroactive to the date of the original billing.
- (2) If there are any sewer taxes, assessments, or other service charges which shall have been delinquent for a period of at least 60 calendar days as of December 15 of any year, the Superintendent shall report the names of the defaulting persons to the Village Supervisor, the Village Clerk, the Village Chief Assessor, and the Village Treasurer on or before December 15 of the same year. The Village Chief Assessor is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this article, to the real property taxes due and owing to Village in the next succeeding year, and the Village Chief Assessor is directed to collect the same in the same manner as real property taxes due and owing to the Village are collected.
 - (3) Where charges are delinquent and the violator is not a resident of the Village, or is located outside the geographical boundaries of the Village, then the Village Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the user is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as provided for in the Law, to the real property taxes due to the county in the next ensuing year.
- S. Letter of credit. The Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder unless such user first files with it a letter of credit drawn on or issued from a local bank, payable to the POTW, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.
- T. Liability insurance. The Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.
- U. Public notification. The Superintendent shall provide public notification, in the daily newspaper with the largest circulation in the Village, of users that were in significant noncompliance with local or federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year.
- V. Contractor listings.
- (1) Users who have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Village.
 - (2) Existing contracts for the sale of goods or services to the Village held by a user found to be in significant violation with pretreatment standards may be terminated at the discretion of the Village Board.

§ 118-19 Amendments.

The Village Board expressly reserves the right at any time to alter, amend or make such addition to this chapter as may be desirable.

ARTICLE II, Sewer Rent Charges [Adopted 8-19-1991 by L.L. No. 7-1991]

§ 118-20 Establishment of sewer rent charges.

The Board of Trustees of the Village of Cobleskill does hereby enact and impose a sewer rent charge upon the owner of each parcel of real property served or required to be served by the Village sewer collector system for the use of such system and sewage treatment plant.

§ 118-21 Rates and charges. [Amended 5-19-1997 by L.L. No. 1-1997; 6-15-1998 by L.L. No. 3-1998⁹EN; 7-15-2002 by L.L. No. 7-2002]

- A. A sewer rent charge will be imposed at the rate of \$36.80 for the first 5,000 gallons of water charged, or fractional part thereof, and \$7.36 for each 1,000 gallons of water charged, or fractional part thereof, thereafter; provided, however, that high-volume users, defined as a user who is charged for more than 3,000,000 gallons per month for each of the most recent three months, may elect to be charged for actual usage, in which case such user shall cause to be installed at its own cost, pursuant to Village specifications, a flow meter purchased from the Village, and such user thereafter shall be charged a sewer rent charge based on actual metered effluent at the above rates and at a reduced rate of \$4.43 for each 1,000 gallons, or fractional part thereof, in excess of 3,000,000 gallons charged for per month. [Last amended 5-20-2008 by L.L. No. 5-2008¹⁰EN]
- B. Surcharge for abnormal sewage. All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge.
- C. Total sewer service charge. The amount of any surcharge will be established as set forth by resolution and amended from time to time by resolution by the Village Board of Trustees after consultation with the Sewer Superintendent. Surcharges will be applied above the limitations set forth in § 118-9C(11).
- D. Segmenting the POTW. The service area of the POTW may be segmented to assist in a fair distribution of user charges, especially if there is a pump station serving a segment.
- E. Measurement of flow. The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the Village Water Department. In the event that a person discharging wastes into the POTW produces evidence, to the Superintendent, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Superintendent shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from unmetered sources, the Superintendent shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow-measuring devices to measure and record the actual

amount of flow into the POTW. Any water meters and/or flow-measuring devices installed pursuant to this section shall be of a type and design acceptable to the Superintendent and shall be installed, maintained, and periodically tested as required by the Superintendent, at the owner's expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Superintendent. Any person discharging wastes into the POTW may install a flow-measuring device at his option, of the type, design, installation, and maintenance standards of the Superintendent, at the owner's expense.

- F. Billing period. The sewer rent charge shall be due and payable on the last day of March, June, September and December of each year for residential and nonindustrial users. The sewer rent charge shall be due and payable monthly for industrial and high users. If a sewer rent charge is not paid by the due date which shall appear on the bill, resulting in a past due account status, a penalty of 5% of the charge per bill shall be added thereto for each quarter or month, based on the billing cycle, until paid or until said charge becomes a tax lien as provided for in this chapter. [Amended 9-2-2008 by L.L. No. 8-2008]
- G. Pretreatment program costs. The additional charges and fees associated with the operation of the pretreatment program shall be assessed the user, and include:
 - (1) Reimbursement of costs of setting up and operating the pretreatment program;
 - (2) Issuing permits;
 - (3) Monitoring, inspections, and surveillance procedures;
 - (4) Costs of equipment and supplies;
 - (5) Reviewing accidental discharge procedures;
 - (6) Construction inspections;
 - (7) Filing appeals.
 - (8) Application for consistent removal status as outlined in 40 CFR 403;
 - (9) Other reasonable expenses to carry out the program to satisfy the requirements of this Law, the NYSDEC, and the federal government.
- H. Charges for trucked and hauled wastes. The charge for treatment and disposal of trucked or hauled waste which has been introduced into the POTW shall be as established by the Village Board. The manner of determining the volume dumped shall be at the discretion of the Superintendent.
- I. Capital recovery. The Village may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat, and dispose of industrial wastewaters from those persons discharging such wastewaters into the POTW.
- J. Collection of charges. Provisions of § 118-18 of this Law relating to the collection of penalties shall apply to the collection of sewer service charges and abnormal sewage service surcharges, unless where otherwise provided by application of the Sewer Rent Law by Village.
- K. Fiscal year for system. The POTW shall be operated on the basis of a fiscal year commencing on the first day of June and ending on the thirty-first day of May.
- L. Impact fees. The Village Board of Trustees shall have the authority to impose impact fees on new development, which development may:
 - (1) Cause enlargement of the service area of the POTW;
 - (2) Cause increased hydraulic and/or treatment demands on the POTW.

M. Use of revenues. Revenues derived from user charges and associated penalties, and impact fees, shall be credited to a special fund. Monies in this fund shall be used exclusively for the following functions:

- (1) For the payment of the operation and maintenance, including repair and replacement costs of the Village POTW;
- (2) For the discovery and correction of inflow and infiltration;
- (3) For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the Village POTW; and
- (4) For the extension, enlargement, replacement of, and/or additions to the Village POTW, including any necessary appurtenances.

N. Records and accounts.

- (1) The Village shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The Village will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request.
- (2) In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.
- (3) Classification of old and new industrial users should also be reviewed annually.
- (4) The Village shall maintain and carry insurance on all physical properties of the POTW, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

§ 118-22 Tax lien. [Amended 9-2-2008 by L.L. No. 8-2008]

Any sewer rent charge with penalties thereon which is past due on December 1 of any year shall be levied and charged to the real property tax on such affected parcel, and interest and penalties then shall be charged thereon at the same rate as for unpaid real property taxes. Such levy shall constitute a lien upon such real property prior and superior to any other lien or claim except for the lien of taxes then due.

§ 118-23 Statement of charges.

The Village Clerk shall render a statement of the sewer rent charge due for each property to the owner thereof in the month succeeding the period for which such rent is charged. Such statement may be incorporated with the statement for water charges, but the two charges shall be shown separately thereon. The failure of the Village Clerk to render such a statement or the failure of the property owner to receive such statement shall not affect the duty of the property owner to pay any such charge.

§ 118-24 Rules and regulations. ^{11EN}

The Village Board of Trustees shall have the power to adopt by resolution rules and regulations in connection with the administration of this article.

ARTICLE III, Charges and Fees [Adopted 3-18-1996 by L.L. No. 2-1996]

§ 118-25 Permit required; fee.

A. New construction or first time connection.

- (1) For new construction or first time connection on an existing building to a sewer main, all expenses incurred for labor and tapping shall be the responsibility of the homeowner or contractor.
- (2) Work shall be done by a qualified plumber or contractor.
- (3) A permit must be applied for and paid for before the start of work. Permit fees shall be as follows:
 - (a) For a residential (single-family) dwelling: \$500.
 - (b) For a commercial (multifamily or industry): \$1,000.

B. Repair work on laterals, residential or commercial.

- (1) A permit shall be required for work on laterals, residential property or commercial property and a permit fee must be paid before the start of work. The permit and inspection fee shall be \$20.
- (2) Said work shall be done by a qualified plumber or contractor.

C. If a Village street must be disturbed, a street opening permit is also required. The permit fee shall be determined by the Street Department Superintendent.

Chapter 122, SKATEBOARDS, SKATES AND SCOOTERS

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 8-15-2005 by L.L. No. 6-2005. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas -- See Ch. 104.
Streets and sidewalks -- See Ch. 131.
Vehicles and traffic -- See Ch. 148.

§ 122-1. Purpose.

The purpose of this chapter is to protect the public health, welfare, safety, peace and tranquility by regulating the operation of skateboards, scooters, skates and in-line skates in heavily trafficked areas within the Village of Cobleskill.

§ 122-2. Title.

This chapter shall hereafter be known and cited as the "Village of Cobleskill Skate

Device Safety Law."

§ 122-3. Definitions.

For the purpose of this chapter, the following definitions shall apply:

SCOOTER -- A skateboard that also includes a vertical bar and handlebar used for steering purposes.

SKATEBOARD -- A board of wood, plastic, metal or fiberglass or similar material with roller skates or other type of wheels attached and used for gliding or moving on any hard surface.

SKATES and IN-LINE SKATES -- Boots or shoes with one or more rows of wheels attached to the soles.

§ 122-4. Safety regulations.

- A. In general, no person shall use or operate a skateboard, scooter, in-line skates or roller skates upon the following public streets, sidewalks, and curbs; and upon railings, steps, and ramps upon such streets: [Amended 9-18-2007 by L.L. No. 11-2007]
 - (1) Grand Street, North and South.
 - (2) Elm Street.
 - (3) Main Street, East and West.
- B. No person shall use or operate any skate device as defined in this chapter in parking lots or other public path or property within the Village of Cobleskill. However, provision has been made for skateboard or other skate device activities at the Village of Cobleskill's facility at Teen Town in Golding Park only.
- C. All New York State vehicle and traffic laws related to skateboard operation shall be enforced.

§ 122-5. Responsibility of parent or guardian.

It shall be unlawful for the parent, guardian or any person having the care, custody and control of any minor child to authorize or to knowingly permit such child to operate a skateboard, scooter, skates or in-line skates in violation of the terms of this chapter.

§ 122-6. Standing, storage or parking.

No person shall stand, park or otherwise place in a position of temporary storage a skateboard upon a public highway, street or sidewalk or against any building abutting a public sidewalk in such a manner that shall obstruct or render injury to a pedestrian or interfere with vehicular traffic.

§ 122-7. Penalties for offenses.

Any person who violates the provisions of this chapter shall pay a civil fine not to exceed \$50.

Chapter 126, SOLID WASTE

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 12-4-2007 by L.L. No. 12-2007. ^{12EN} Amendments noted where applicable.]

§ 126-1. Pickup of garbage and refuse by Village.

The Village shall pick up garbage and refuse generated by residential use only as set forth in § 126-6, Eligible properties. Commercial and institutional establishments shall provide for their own pickup and disposal service.

§ 126-2. Municipal solid waste.

- A. Kitchen garbage and refuse must be placed in clear, plastic thirty-gallon bags, securely tied and placed at the curb in a covered standard size leakproof container or securely tied plastic bag. No black, brown, green or white bags are allowed. No loose or open receptacles permitted.
- B. Co-mingled recyclable materials. Co-mingled recyclable materials such as but not limited to: glass, plastic or tin bottles and cans, must be clean/washed and placed in clear plastic bags and placed at the curb in a covered standard size leak proof container or securely tied plastic bag. No black, brown, green or white bags are allowed. No loose or open receptacles permitted.
- C. Recyclable cardboard. Recyclable cardboard must be broken down into two-foot-by-three-foot sections, bundled and tied to a maximum of two feet in thickness, not to exceed two bundles in each weekly pickup. Every attempt should be made to keep this material dry until picked up.
- D. Recyclable newspapers and magazines. Recyclable newspapers and magazines shall be bundled and tied, and placed at curbside for weekly pickup. Every attempt should be made to keep this material dry until picked up.
- E. Tree trimmings. Tree trimming debris is limited to two securely tied bundles per weekly pickup, with each bundle cut to a maximum size of 36 inches by 18 inches by 18 inches. No one piece of tree trimming shall exceed three inches in diameter.

§ 126-3. Containers.

The quantity of municipal solid waste allowed per week to be placed at curbside for pickup service by the Village is limited to two containers of thirty-gallon capacity and/or a total of 70 pounds each in weight when full. Covers must be dog-proof. Containers must be safe to handle with no nails or sharp edges, and wetproof.

§ 126-4. Items not accepted for collection.

The following items will not be accepted for collection by the Village:

- A. Stoves.
- B. Refrigerators.
- C. Appliances.
- D. Furniture.
- E. Construction and demolition debris.
- F. Tires.

- G. Wood chips.
- H. Bed springs and mattresses.
- I. Refuse which cannot be containerized.

§ 126-5. Garbage to be placed out on scheduled days.

Furthermore, garbage, refuse, and recyclables may only be placed out on scheduled days of pickup; this includes the evening prior to the day of pickup. Containers must be placed at curbside no later than 5:30 a.m. the day of pickup, and no sooner than 5:00 p.m. the evening prior to the day of pickup, in order to receive the service provided.

§ 126-6. Qualifying multi-unit dwellings four units or less.

Qualifying properties must abide by the above-stated guidelines on a per-unit basis.

§ 126-7. Eligible properties.

Eligible properties include, but are not limited to, all residential properties of four or fewer units. The list of all such properties shall be defined by the Village Board of Trustees and shall be made available as part of the municipal refuse and recycling collection contract.

§ 126-8. Service charges. [Added 12-15-2009 by L.L. No. 3-2009]

- A. Every owner or occupant of property defined by the Village of Cobleskill in the list of properties made part of the municipal refuse and recycling contract is hereby required to dispose of its garbage and refuse generated by residential use by using the refuse collection and disposal service provided by the Village of Cobleskill.
- B. There shall be a charge for this service to all property owners required to use the service provided as part of the municipal refuse and recycling contract, and particulars of this service charge are governed by this chapter.
- C. The service charge for the collection and disposal of refuse by the Village of Cobleskill shall be set by resolution of the Board of Trustees from time to time.
- D. Refuse service charges shall be due and payable quarterly, regardless of occupancy of the premises, for each three-month calendar quarter ending on the last day of March, June, September and December of each year.
- E. Refuse service charges shall be billed to the owners of the premises and shall be made payable at the office of the Village Clerk-Treasurer.
- F. In the event that the refuse service charge bill is not paid within one month from the date it is due and payable, then a penalty charge of 5% shall be added to the bill.
- G. All unpaid refuse service charges, including penalties and interest thereon, if any, not paid by December 1 of each year shall be added to the annual village tax levy and become a lien upon the property benefited by the refuse collection and disposal service provided by the village, and such lien shall be prior and superior to every other lien or claim except the lien of the existing taxes or local assessments.

Chapter 131, STREETS AND SIDEWALKS

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Construction, Alteration or Replacement of Curbs or Sidewalks ^{13EN} [Adopted 1-21-1985 by L.L. No. 1-1985]

§ 131-1. Legislative intent.

It is the intent of the Village of Cobleskill to provide safe, accessible sidewalks for residents of the Village of Cobleskill.

§ 131-2. Compliance required. [Amended 12-18-2007 by L.L. No. 13-2007]

It shall be unlawful to construct, reconstruct, alter, replace or otherwise interfere with a new or existing sidewalk or curb unless the standards set forth in this article are complied with.

§ 131-3. Construction standards.

All sidewalks shall be constructed of portland cement concrete in accordance with the standards and specifications set by the New York State Department of Transportation for portland cement concrete sidewalks.

- A. They shall be four inches in depth and they shall be six inches in depth at driveways, and sidewalks shall be at least four feet wide unless a variance is granted by the Village Board.
- B. All sidewalks shall also be treated with silicon sealant.
- C. Curbs shall be constructed of portland cement concrete at least 18 inches in depth with six inches exposed.
- D. Ramps for the handicapped shall be provided at each curbed intersection and midblock crosswalk in accordance with the standards and specifications set by the New York State Department of Transportation.

§ 131-4. Remedies.

In case any sidewalk or curb is erected, constructed, reconstructed, altered or repaired in violation of this Article, the proper local authorities of the Village, in addition to other remedies, may institute any appropriate actions or proceedings to prevent such unlawful construction, reconstruction, alteration, repairs or use to restrain, correct or abate such violation.

§ 131-5. Penalties for offenses. [Amended 3-18-1996 by L.L. No. 2-1996]

Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Article shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty. Each week of violation, if continued, shall be deemed a separate offense.

ARTICLE II, Work in Rights-of-Way [Adopted 12-16-2002 by L.L. No. 10-2002]

§ 131-6. Permit required.

- A. Openings. No person, firm, association or corporation shall alter, disturb, open, grade, dig or excavate the surface or soil of any street, highway, roadbed, pavement, or public ground in the Village for any purpose, or tunnel under the roadbed of any street, in whole or in part, for any purpose except upon compliance with the provisions set forth in this article and upon receipt of a written permit from the Village of Cobleskill Planning, Environment and Codes Office; nor shall any person, firm, association or corporation do so on private ground in the Village using equipment powered by a source other than human strength except upon compliance with the provisions set forth in this local law and upon receipt of a written permit from the Village of Cobleskill Planning, Environment and Codes Office.
- B. Sidewalk, curb and driveway construction. No person shall construct, remove, replace or repair a sidewalk, curb or driveway within the limits of any public street, highway or other public property without first obtaining a written permit from the Village of Cobleskill Planning, Environment and Codes Office.
- C. Water and sewer and utilities. No person shall dig, trench, or make any connection into a sanitary sewer, stormwater drain or water main which forms a part of the sewer, drainage or water distribution system of the Village without first obtaining a written permit for such opening from the Village of Cobleskill Planning, Environment and Codes Office; nor shall any person dig or trench for the purpose of repairing or burying any underground utility, whether controlled by the Village or some other entity, within the public right-of-way without first obtaining a written permit from the Village of Cobleskill Planning, Environment and Codes Office.
- D. UFPO registration number required. No permits shall be granted to any person, association or corporation that has not obtained the appropriate Underground Facilities Protective Organization (UFPO) registration number in accordance with 16 NYCRR Part 753. Applicants must call at least two business days in advance to obtain a UFPO ticket number. No permit applications will be considered until such UFPO number is obtained.

§ 131-7. Application for permit.

Permit applications are to be obtained from the Village of Cobleskill Planning, Environment and Codes Office between the hours of 8:00 a.m. and 3:00 p.m. Monday through Friday. A minimum of three business days is required to process permit applications. Permit applications must include the following:

- A. The name of the applicant.
- B. The fact that applicant is either a contractor or a representative of a division, department or branch of government, or a utility corporation, or is a plumber or electrician, or a person engaged in some business or occupation whose work requires such excavation.
- C. The precise plan where the applicant seeks to dig or excavate or trench, with the distance from the nearest street intersection or from the property abutting the street at the point proposed for excavation. The application must also state the estimated size

- and purpose of the opening.
- D. The date or dates on which the work will be performed.
 - E. The type of pavement or surface to be disturbed.
 - F. The appropriate permit fee as established from time to time by a resolution of the Board of Trustees and on file in the Village Clerk's office and the Village of Cobleskill Planning, Environment and Codes Office.
 - G. Each commercial applicant shall also provide the Village of Cobleskill Planning, Environment and Codes Office a certificate of insurance in a form approved by the Village of Cobleskill and issued by an insurance company authorized to do business within the state, guaranteeing that the applicant has provided per occurrence liability coverage of \$1,000,000 for bodily injury and property damage in the aggregate, to insure the Village against any loss, injury or damage arising out of the granting of the permit or from any negligence or fault of such applicant, his agents, servants or employees in connection with the opening or with any work related thereto. Such insurance must remain in force throughout the effective period of the permit, as well as any authorized extensions, and shall carry an endorsement to the effect that the insurance company will give at least 10 days' written notice to the Village of any modification or cancellation of any such insurance. If an individual property owner is unable to obtain said certificate of insurance, coverage through the Village of Cobleskill is obtainable for a fee of \$50 if the work has been permitted by the Village of Cobleskill Planning, Environment and Codes Office. Insurance coverage through the Village of Cobleskill is not obtainable for work that has not been approved and permitted by the Village of Cobleskill Planning, Environment and Codes Office.
[Amended 9-15-2003 by L.L. No. 8-2003]
 - H. A signed statement by the applicant that the applicant agrees to perform the work for which the permit is granted strictly in accordance with the conditions of the permit, the provisions of the Village of Cobleskill Code and any applicable state or federal rules and regulations and that the Village is to be saved harmless from any loss, injury, or damage arising out of the granting of the permit or from any negligence or fault of the applicant, his servants or agents, in connection with any of the work done in connection with the permit.

§ 131-8. Utility markings.

All staking, markings or other designation of underground facility shall be according to 16 NYCRR Part 753, Protection of Underground Facilities. In addition, if no utilities are present, the operator shall identify such act in a manner that is apparent to all interested parties.

§ 131-9. Permit to be issued.

When the applicant has fully complied with the requirements set forth in this article and no other objections have appeared, the Village of Cobleskill Planning, Environment and Codes Office shall issue a permit to the applicant.

§ 131-10. Duration and extension of permits.

The permit shall be valid for an effective period of 10 working days. Such effective period may be extended, if requested by the permit holder in writing and accompanied by updated UFPO authorization, prior to the expiration of the permit for such additional period as the Village of Cobleskill Planning, Environment and Codes Officer may authorize in her or his discretion.

§ 131-11. Permit available for inspection.

Each person to whom a permit is issued pursuant to this article must at all times have it available at the place of the excavation and, upon demand, show it to a representative of the Village.

§ 131-12. Work to conform to Village specifications.

Sidewalks, curbs, streets, roads, highways, driveways or other property shall be constructed, removed, reconstructed, replaced or repaired in accordance with any grades and specifications as may be set forth in the Village of Cobleskill Code.

§ 131-13. Transferability of permits.

A permit issued pursuant to this article shall not be assigned or transferred except upon the prior written consent of the Village of Cobleskill Planning, Environment and Codes Officer.

§ 131-14. Cleanup of site and restoration required.

Upon the completion of the work, a permittee shall clean up and remove promptly all surplus excavated material and debris and shall leave the site of the work in a neat and orderly condition. Where topsoil, seeded areas or sod are disturbed in the course of the work, the permittee shall restore the ground surfaces to a condition as good as they were previously. All broken pavement, sidewalks and/or curbing shall be restored to Highway Department specifications.

§ 131-15. Emergencies.

In the event of an emergency, such as the breaking of a main or stoppage of a sewer line or other conditions calling for immediate opening of a street to prevent loss or injury to property, notification is to be made to the Village of Cobleskill Highway Department by calling (518) 234-2400 and following the recorded directions regarding how to proceed with an emergency. The Village of Cobleskill Highway Department will then notify all affected Village departments. The need for UFPO authorization must still be completed.

§ 131-16. Notification to Village.

All department heads shall file an immediate notification with the Village of Cobleskill Planning, Environment and Codes Office when any UFPO registration has been requested. The Village of Cobleskill Planning, Environment and Codes Office will maintain a calendar of all right-of-way intrusion requests and permit applications that are

submitted.

§ 131-17. Enforcement and penalties for offenses.

Any Village official, or his or her designee, is authorized to issue a stop-work order, upon witness or notice of potentially unauthorized work being performed until such reasonable time that verification of applicable permits can occur. Any person, firm, association or corporation convicted of violating any provision of this article shall, for a first offense, be guilty of a violation punishable by a fine of not more than \$250 or imprisonment for a term not exceeding 15 days, or both. In addition, such person, firm, association or corporation shall be subject to a civil penalty not exceeding \$1,000 or double the cost to the Village of repairing any damage caused by the violation, whichever is greater. A second or subsequent conviction of any provision of this article shall be a Class A misdemeanor punishable by a fine of not more than \$1,000 or imprisonment for a term not exceeding 1 year, or both. In addition, for a second or subsequent violation, such person, firm, association or corporation shall be subject to a civil penalty not exceeding \$2,000 or triple the cost to the Village of repairing any damage caused by the violation, whichever is greater. Upon a third or subsequent conviction of any provision of this article the court may enjoin such person, firm, association or corporation from participating in any manner in excavation work within the Village for a period of two years.

Chapter 135, SUBDIVISION OF LAND

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 5-4-1987 by L.L. No. 3-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention -- See Ch. 58.

Flood damage prevention -- See Ch. 83.

Zoning -- See Ch. 160.

ARTICLE I, General Provisions

§ 135-1 Title.

This chapter shall be known and may be cited as the "Subdivision Law of the Village of Cobleskill, New York."

§ 135-2 Scope.

This chapter shall regulate all subdivision of land in the Village of Cobleskill.

§ 135-3 Statutory authority.

- A. This chapter is enacted pursuant to Article 7 of the Village Law of the State of New York to promote the public health, safety and general welfare.
- B. The Planning Board of the Village of Cobleskill is hereby authorized and empowered to approve plats for subdivisions within the Village of Cobleskill pursuant to Article 7 of the Village Law of the State of New York.

§ 135-4 Purpose.

This chapter is enacted for the following purposes:

- A. To provide for the future growth and development of the Village.
- B. To ensure adequate facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare.
- C. To show in proper cases a park or parks suitably located for playground or other recreational purposes.
- D. To require that the streets and highways shall be of sufficient width and suitable grade and shall be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection and to provide access of fire-fighting equipment to buildings.
- E. To assure that subdivision streets and highways shall be coordinated so as to compose a convenient system conforming to the Official Map^{14EN} and properly related to the Master Plan and Chapter 160, Zoning.
- F. To assure that adequate provision is made for all necessary utilities, systems, functional requirements and open space in the development of subdivisions.
- G. To assure that the land shown on plats shall be of such character that it can be used safely for building purposes without danger to health or peril from flood, fire or other menace.

ARTICLE II, Terminology

§ 135-5 Definitions.

For the purpose of these regulations, certain words used herein are defined as follows:
FINAL PLAT -- The final map or drawing on which the plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

LOT -- Any parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a building and its accessory buildings, together with the required open spaces appurtenant to such building or group of buildings. [Added 3-18-1996 by L.L. No. 2-1996]

MASTER PLAN -- A comprehensive plan prepared or to be prepared, together with any changes which may be made thereto, by the Planning Board pursuant to § 7-722 of the Village Law, which plan indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Village of Cobleskill, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

OFFICIAL MAP -- The map established or to be established, together with any changes made thereto, by the Village of Cobleskill pursuant to § 7-724 of the Village Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Village Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

PRELIMINARY PLAT -- The general plan of subdivision, drawn to scale and showing the pattern of streets and lots as proposed by the developer.

RESERVE STRIPS -- A privately owned strip of land of less than the lot depth permitted by the applicable regulations, bounded on one side by a proposed street and on the other by the boundary of a subdivision containing said proposed street. [Added 12-16-1996 by L.L. No. 8-1996]

SKETCH PLAN -- A sketch of a proposed subdivision showing the information specified in Article III of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and the objectives of these regulations. [Added 3-18-1996 by L.L. No. 2-1996]

STREET -- A way for vehicular traffic.

- A. **ARTERIAL STREETS AND HIGHWAYS** -- Those which are used primarily for traffic with limited access.
- B. **MAJOR STREETS** -- Those which serve or are designed to serve heavy flows of traffic and which are used primarily as a route for traffic between heavy traffic generating areas and/or destinations.
- C. **COLLECTOR STREETS** -- Those which carry traffic from minor streets to the business and industrial districts or to major streets.
- D. **MINOR STREETS** -- Those which are used primarily for access to abutting residential properties. A "cul-de-sac" is a minor street with only one outlet and having a turning loop at the closed end.
- E. **MARGINAL ACCESS STREETS** -- Those streets which are generally parallel with and adjacent to arterial streets and highways or major streets and provide access to abutting properties and protection from through traffic.
- F. **ALLEYS** -- Minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

SUBDIVISION -- The division of any parcel of land into a number of lots, blocks or sites, for the purpose of sale, transfer of ownership or development. The term "subdivision" includes any alteration of lot lines or dimensions of any lots shown on a plat previously approved and filed in the office of the County Clerk or register of the county in which such plat is located, except that the term "subdivision" shall not include the combination of two or more lots into a single parcel. When appropriate to the context, the term "subdivision" shall mean the process of subdividing or to the land subdivided. [Amended 12-16-1996 by L.L. No. 8-1996]

ARTICLE III, Procedures

§ 135-6 Approval procedure.

Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures:

A. Sketch plan.

- (1) Submission of sketch plan. Any owner of land shall, prior to the subdivision of land, submit to the Planning Board at least 10 days prior to a scheduled meeting of the Board two copies of a sketch plan of the proposed subdivision. This step does not require a formal application fee.
- (2) Documents to be submitted for sketch plan. The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale [preferably not less than 200 feet to the inch] to enable the entire tract to be shown on one sheet. The sketch plan shall include the following information:
 - (a) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 - (b) All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
 - (c) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
 - (d) The Tax Map sheet, block and lot numbers, if available.
 - (e) All the utilities available and all streets which are either proposed, mapped or built.
 - (f) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.
 - (g) All existing restrictions on the use of land, including easements, covenants or zoning lines and districts.
- (3) Sketch plan conference. After submission of the sketch plan, the subdivider or his duly authorized representative shall meet with the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.
- (4) Study of sketch plan.
 - (a) Within 30 days after the sketch plan conference the Planning Board shall inform the subdivider that the sketch plan and data, as submitted or as modified in the sketch plan conference, do or do not meet the purposes of this chapter, and it shall express its reasons.
 - (b) If the Planning Board concludes that the sketch plan does meet the purposes and objectives of this chapter, it shall also inform the subdivider of any additional or special information or requirements that must be included in the preliminary plat application.
 - (c) If the Planning Board concludes that the sketch plan does not meet the

purposes and objectives of this chapter, the subdivider may revise the sketch plan consistent with the reasons as expressed by the Planning Board, if possible, and begin the sketch plan process again.

- (5) After a sketch plan is submitted but before a preliminary plat is submitted, there shall be an application fee, and after final plat approval there will be a per lot fee for lots through the entire subdivision which the subdivider proposes to record and develop. Fees shall be as set forth from time to time by the Village Board. [Amended 3-18-1996 by L.L. No. 2-1996]

B. Approval of preliminary plats. [Amended 12-16-1996 by L.L. No. 8-1996]

- (1) Submission of preliminary plats.
 - (a) A preliminary plat shall be prepared at an appropriate scale and shall be clearly marked "preliminary plat." It shall show the proposed layout of streets, their relation to topographic conditions and to adjacent streets, the pattern of lots and typical lot sizes, playgrounds and other public areas, easements, building setback lines, the tract name and developer, North arrow, date, scale and the proposed water supply and sewage disposal system(s) and such other information as may be required by the Planning Board.
 - (b) Three copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Board for approval.
 - (c) The preliminary plat shall be endorsed by an engineer or surveyor licensed in the State of New York.
- (2) Coordination with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- (3) Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
- (4) Planning Board as lead agency under the State Environmental Quality Review Act; public hearing; notice; decision.
 - (a) Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:
 - [1] If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the clerk of the Planning Board; or
 - [2] If the Planning Board determines that an environmental impact statement is required and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62

days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.

- (b) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
- (c) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:
 - [1] If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, such Board shall make its decision within 62 days after the close of the public hearing; or
 - [2] If the Planning Board determines that an environmental impact statement is required and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make a decision on the preliminary plat.
- (d) Grounds for decision. The grounds for a modification, if any, or of the disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state, in writing, any modifications it deems necessary for submission of the plat in final form.
- (5) Planning Board not as lead agency under the State Environmental Quality, Review Act; public hearing; notice; decision.
 - (a) Public hearing on preliminary plats. The Planning Board shall, with agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the preliminary plat within 62 days after the receipt of a complete preliminary plat by the clerk of the Planning Board.

- (b) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
 - (c) Decision. The Planning Board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:
 - [1] If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the preliminary plat.
 - [2] If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.
 - (d) Grounds for decision. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.
 - (6) Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the clerk of the Planning Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner.
 - (7) Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution approving the preliminary plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk.
 - (8) Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat, the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.
- C. Approval of final plats. [Amended 12-16-1996 by L.L. No. 8-1996]
- (1) Submission of final plats.
 - (a) Final plats shall conform to the requirements provided in Village Code § 135-7.
 - (b) Three copies of the final plat and supplemental material specified shall be submitted to the Planning Board for approval.
 - (2) Final plats which are in substantial agreement with preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning

Board shall by resolution conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the clerk of the Planning Board.

- (3) Final plats; not in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with the preliminary plat approved pursuant to this section, the following shall apply:

(a) Planning Board as lead agency; public hearing; notice; decision.

- [1] Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

[a] If such Board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with the preliminary plat shall be held within 62 days after receipt of a complete final plat by the clerk of the Planning Board; or

[b] If such Board determined that an environmental impact statement is required and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.

- [2] Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

- [3] Decision. The Planning Board shall make its decision on the final plat as follows:

[a] If such Board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat, within 62 days after the date of the public hearing; or

[b] If such Board determines that an environmental impact statement is required and a public hearing is held on the draft environmental

impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize signing of such final plat.

[4] Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(b) Planning Board not as lead agency; public hearing; notice; decision.

[1] Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the final plat within 62 days after the receipt of the complete final plat by the clerk of the Planning Board.

[2] Public hearing; notice; length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Village at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

[3] Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such plat as follows:

[a] If the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the final plat.

[b] If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

D. Approval and certification of final plats. [Added 12-16-1996 by L.L. No. 8-1996]

(1) Certification of plat. Within five business days of the adoption of the resolution

granting conditional or final approval of the final plat, such plat shall be certified by the clerk of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board and a copy of such signed plat shall be filed in the office of the clerk of the Planning Board or filed with the Village Clerk as determined by the Village Board of Trustees.

- (2) Approval of plat in sections. In granting the conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of the final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
 - (3) Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods on 90 days each the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.
- E. Default approval of preliminary or final plat. The time periods prescribed herein within which the Planning Board must take action on a preliminary plat or final plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action on a preliminary plat or final plat within the time prescribed therefor after completion of all requirements under the State Environmental Quality Review act, or within such extended period as may have been established by mutual consent of the owner and the Planning Board, such preliminary or final plat shall be deemed granted approval. The certificate of the Village Clerk as to the date of the submission of the preliminary or final plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required. [Added 12-16-1996 by L.L. No. 8-1996]
- F. Filing of decision on final plat. Within five business days from the date of the adoption of the resolution approving the final plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk. [Added 12-16-1996 by L.L. No. 8-1996]
- G. Notice to county planning agency. When the county planning agency has been authorized to review subdivision plats pursuant to § 239-n of the General Municipal

Law, the clerk of the Planning Board shall refer all applicable preliminary and final plats to such county planning agency as provided in that section. [Added 12-16-1996 by L.L. No. 8-1996]

- H. Filing of final plat; expiration of approval. [Added 12-16-1996 by L.L. No. 8-1996]
- (1) The owner shall file in the office of the County Clerk or register such approved final plat or a section of such plat within 62 days from the date of final approval or such approval shall expire. The following shall constitute final approval:
 - (a) Signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plat as herein provided;
 - (b) The approval by such Board of the development of such plat or plats already filed in the office of the County Clerk or register of the county in which such plat or plats are located if such plats are entirely or partially undeveloped; or
 - (c) The certificate of the Village subdivision clerk as to the date of the submission of the final plat and the failure of the Planning Board to take action within the time herein provided.
 - (2) In the event that the owner shall file only a section of such approved plat in the office of the County Clerk or the register, the entire approved plat shall be filed within 30 days of the filing of such section with the Village Clerk in each Village in which any portion of the land described in the plat is situated. Such section shall encompass at least 10% of the total number of lots contained in the approved plat, and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration period to which such plat is entitled under the provisions of § 7-708 of the Village law. [Added 12-16-1996 by L.L. No. 8-1996]
- I. Subdivision abandonment. The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of § 560 of the Real Property Tax Law. [Added 12-16-1996 by L.L. No. 8-1996]

ARTICLE IV, Final Plat Data

§ 135-7 Required information.

- A. The final plat shall be drawn at a scale of 100 feet to one inch or larger [preferred scale of 50 feet to one inch]. The final plat shall show the following:
- (1) Topographic data on the tract.
 - (2) Tract boundary lines with bearings and distances, tract area, right-of-way lines on streets, easements and other rights-of-way and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, radii and central angles of all curves.
 - (3) The name and right-of-way width of each street or other right-of-way.
 - (4) Utilities on and adjacent to the tract locations, the size and invert elevation of sanitary and storm sewers, the location and size of water mains and the location of gas lines, fire hydrants, underground utility lines and street lights.
 - (5) The location, dimensions and purpose of any easements.
 - (6) A number to identify each lot and block.

- (7) The purpose for which sites, other than residential lots, are dedicated or reserved.
 - (8) The minimum setback line on all lots and other sites.
 - (9) The location and description of all monuments.
 - (10) The names of owners of record of adjoining unplatted land.
 - (11) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
 - (12) Certification of title showing that the applicant is the landowner.
 - (13) Certification by surveyor or engineer licensed by the State of New York as to the accuracy of survey and plat.
 - (14) Statement by owner as to dedicating streets, rights-of-way and any sites for public uses.
 - (15) Site data, including the number of residential lots, typical lot size, linear feet of streets, acres in parks, etc.
 - (16) Title, scale, North arrow and date.
- B. Cross sections and profiles of streets showing approved grades shall be provided.
- C. A certificate provided by the Village certifying that the developer has complied with one of the following alternatives:
- (1) All improvements have been installed in accord with the requirements of these regulations and with the action of the Planning Board giving conditional approval of the preliminary plat and as-built or record drawings showing the precise actual location, grades and elevations of all such improvements have been provided to the Planning Board.
 - (2) A bond or certified check has been posted with the Village Clerk, which is available to the municipality, in sufficient amount to assure completion of all required improvements and the provision of one set of as-built or record drawings to the Planning Board showing the precise actual location, grades and elevations of all such improvements. Such bond shall assure the completion of all required improvements within one year of final plat approval, unless a longer period [not to exceed 3 years] is determined appropriate by the Planning Board. Such bond shall comply with all requirements of § 7-730 of the Village Law and shall be approved by the Village Attorney as to form, sufficiency and manner of execution.
- D. Protective covenants in form for recording shall be provided.
- E. Other data and such other certificates, affidavits or endorsements as may be required by the Planning Board in the enforcement of these regulations shall be provided.

ARTICLE V, Design Standards

§ 135-8 Streets.

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed uses of the land to be served by such streets.
- B. The arrangement of streets in a subdivision shall either:

- (1) Provide for the continuation, if appropriate, of major streets in the surrounding area; or
 - (2) Conform to a plan for the neighborhood approved by the Planning Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- C. Minor and connector streets shall be so laid out that their use by through traffic will be discouraged.
- D. Where a subdivision abuts or contains an existing or proposed major or arterial street or railroad, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. A tangent between reverse curves on arterial, major and collector streets shall be no less than 100 feet. A tangent between reverse curves on minor and collector streets shall be no less than 50 feet.
- F. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 75°.
- G. Street right-of-way widths shall be not less than 55 feet; the minimum pavement width shall be 24 feet face of curb to face of curb, with six-inch concrete curbs on each side of the roadway, five-foot snow storage/green space on each side of the roadway and five-foot sidewalks on each side of the roadway. Closed storm drainage systems shall be installed as required. No open drainage ditches shall be allowed. [Amended 4-15-2008 by L.L. No. 3-2008]
- H. Cul-de-sac streets shall be approved only under special hardship circumstances and shall not be longer than 500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 100 feet and a street property line diameter of at least 120 feet. Dead-end streets shall not be permitted. Cul-de-sacs shall be avoided where feasible. [Amended 4-15-2008 by L.L. No. 3-2008]
- I. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the Village or town. Street names shall be subject to the approval of the Planning Board.
- J. Street grades shall be not less than 0.5%, percent, nor more than 12%.

§ 135-9 Alleys.

- A. Alleys shall be provided in commercial and industrial districts, except that the Planning Board may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- B. The width of an alley shall be no less than 20 feet.

§ 135-10 Easements.

- A. Adequate easements shall be provided for utilities where necessary. An easement width of 20 feet is desirable.

- B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose, but in no case less than 20 feet in width.

§ 135-11 Blocks.

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (1) The type of development proposed.
 - (2) Zoning requirements as to lot sizes and dimensions.
 - (3) The need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress or egress.
 - (4) The limitations and opportunities of topography.
- B. Block lengths shall not exceed 1,200 feet nor be less than 600 feet.
- C. A pedestrian right-of-way not less than 10 feet wide shall be provided where deemed essential by the Planning Board to provide circulation or access to schools, playgrounds, parks, shopping centers, transportation and other community facilities.

§ 135-12 Lots.

- A. The lot size, width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. No lot shall have less area or width than the minimum requirements of Chapter 160, Zoning, applying to the district in which it is located.
- C. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- D. The subdividing of land shall be such as to provide each lot with frontage on an improved street.
- E. Every street shown on the plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the public and formally accepted as a public street by resolution of the Village Board of Trustees or alternatively until it has been condemned by the municipality for use as a public street.
- F. Double frontage lots should be avoided.
- G. Side lot lines shall be substantially at right angles or radial to street lines.
- H. Off-street parking space shall be required for all uses and shall conform to the requirements for parking described in Chapter 160, Zoning.

§ 135-13 Public sites and open spaces.

- A. Where a proposed park, playground or other public use shown in the Master Plan is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition by such agency within a specified period by dedication or other means, and an agreement shall be entered into between the subdivider and the public agency regarding the time and method of

acquisition.

- B. Due regard shall be shown for preservation of outstanding scenic, cultural or historical areas.

§ 135-14 Grading.

Street layout, block grading and lot grading data shall be shown. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, appeal, use and drainage. The developer shall allow no holes, depressions or other undrained areas to remain.

§ 135-14.1 Prohibited designs. [Added 12-16-1996 by L.L. No. 8-1996]

- A. Reserve strips. No subdivision showing reserve strips controlling access to streets shall be approved.

ARTICLE VI, Minimum Required Improvements

§ 135-15 General requirements.

Prior to the granting of final plat approval, the subdivider shall have installed or shall have furnished an adequate performance bond for the installation within a specified time, the required improvements listed and described in this section. All of the required improvements shall be made in full compliance with the specifications for each of the various units of work as required by the municipality or the state and county health authorities, according to the nature of the improvements. Required improvements shall not be considered complete until the subdivider has provided to the Planning Board one complete set of as-built or record drawings showing the precise actual location, grades and elevations of all such improvements.

§ 135-16 Monuments.

The lines of all streets or roads shall be monumented with concrete, stone or cast iron pipe with monument caps flush with the ground.

§ 135-17 Street improvements.

- A. All streets and thoroughfares shall be graded to their full width, and improved in accordance with the minimum standards outlined or referred to in this section. A Village street right-of-way shall be 55 feet wide; the minimum pavement width shall be 24 feet face of curb to face of curb, with six-inch concrete curbs on each side of the roadway, five-foot snow storage/green space on each side of the roadway and five-foot sidewalks on each side of the roadway where building development has taken place. There shall be one continuous sidewalk on at least one side of a street. Closed storm drainage systems shall be installed as required. No open drainage ditches shall be allowed. Sanitary sewer lines, when feasible, shall be placed on one

side of the roadway and under the snow storage area, preferably on the same side and with the gas utilities. Gas utilities shall be placed on one side of the roadway and under the snow storage area, water supply shall be placed on the other side of the roadway and under the snow storage area. [Amended 4-15-2008 by L.L. No. 3-2008]

B. Subgrade.

(1) Grading.

(a) All topsoil shall be removed along the area 22.5 feet wide on each side of the center line of the street, unless a fill of five feet or more is required. All unsuitable, unstable and otherwise objectionable materials shall be removed. Old foundations and retaining walls shall be demolished to an elevation that is satisfactory to the Village. The entire lengths of the roadway, ditches, side slopes, backslopes, sidewalk area, highway junctions and driveways shall be graded to the required lines and elevations. [Amended 4-15-2008 by L.L. No. 3-2008]

(b) Where the subgrade foundation is on a transition from excavation to embankment, either longitudinally or transversely, the existing ground slopes shall be benched as directed by the Village. During the process of excavating and making embankments, the grades shall be maintained in such condition that there will be good drainage at all times.

(c) After grading operations are completed, all loose stones larger than four (4) inches in their greatest dimensions shall be removed from the surface of all graded paving areas and disposed of as directed by the Village.

(2) Closed drainage systems shall be provided for all drainage purposes relative to Village streets. [Amended 4-15-2008 by L.L. No. 3-2008^{15EN}]

C. Surface construction. After the sanitary sewers, water distribution lines and service connection lines have been installed and the subgrade approved by the Village, the subbase course 24 feet wide consisting of no less than 12 inches of NYSDOT crushed stone subbase with a maximum size of two inches must be placed and compacted in a single lift. The subbase course shall be graded, compacted and accepted by the Village prior to paving of the asphalt courses. A two-and-one-half-inch asphalt concrete binder course NYSDOT Type 3 shall be placed on the foundation material. A one-and-one-half-inch asphalt concrete top course NYSDOT type 7 shall be placed on the binder course. [Amended 4-15-2008 by L.L. No. 3-2008]

D. Curbs. [Amended 4-15-2008 by L.L. No. 3-2008]

(1) Where curbs exist on abutting properties, their extension by the developer will ordinarily be required throughout the proposed subdivision.

(2) Concrete curbs shall be wall type six by eighteen (6 x 18) inches and shall comply with current construction and material specifications of the New York State Department of Transportation and all applicable local laws.

(3) Asphalt concrete curbs are to be approved by the Village Board.

E. Sidewalks. The Planning Board shall require sidewalks to provide for the safety of pedestrians, unless all lots in the proposed subdivision exceed one acre in area and 200 feet in width at the street line. Concrete sidewalks at least five feet wide and four inches thick shall comply with the current construction and material specifications of the New York State Department of Transportation, ADA requirements and all other applicable local laws. Concrete walks shall be six inches thick where driveways cross

the sidewalk. Sidewalks constructed, reconstructed, altered or replaced shall have curbing. No wing gutters shall be permitted. Snow storage area of not less than five feet of green space shall also be provided. [Amended 4-15-2008 by L.L. No. 3-2008]

§ 135-18 Water supply.

The developer shall connect each house and lot with the public water supply, subject to Village approval.

§ 135-19 Sewage disposal system.

The developer shall provide sanitary sewers and laterals for each lot with proper connection to Village lines, subject to Village approval.

§ 135-20 Utilities.

- A. Electrical service and other available utilities shall be provided by the developer within each subdivision prior to the approval of the final plat. All telephone, electrical and other service lines and cables shall be placed underground.
- B. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
- C. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstruction easements at least twenty (20) feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

§ 135-21 Street trees; planting; street name signs.

- A. Street trees shall be planted by the developer. The location and type of trees shall be approved by the Planning Board.
- B. Planting strips. The area between the gutter and the property line shall be seeded by the subdivider and maintained by the owner.
- C. Street name signs. Signs shall be furnished by the municipality and all street names shall be approved by the Planning Board.

ARTICLE VII, Variances and Appeals

§ 135-22 Variances.

Where, because of exceptional narrowness, shallowness, existing use of adjacent land or shape of the specific parcel or because of unusual topographic conditions or other unusual physical conditions of the specific parcel, the Planning Board finds that practical

difficulty or unnecessary hardship will result from strict application of the requirements of this chapter, it may vary or modify the application of said requirements in the specific case so that substantial justice is done and the public interest secured, provided that such variation or modification does not have the effect of nullifying the intent or purposes of the Master Plan, Chapter 160, Zoning, or this chapter.

§ 135-23 Appeals.

Any officer, department, board or bureau of the Village, with the approval of the Board of Trustees, or any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning such plat or the changing of the zoning regulations of such land may bring a proceeding to review in the manner provided by Article 78 of the Civil Practice Law and Rules in a court of record on the ground that such decision is illegal in whole or in part. Such proceeding must be commenced within thirty (30) days after the filing of the decision in the office of the Planning Board.

Chapter 140, TAXATION

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Utility Tax [Adopted 6-1-1970 by L.L. No. 1-1970]

§ 140-1. Imposition of tax. [Amended 3-18-1996 by L.L. No. 2-1996]

Pursuant to the authority granted by § 5-530 of the Village Law of the State of New York, a tax equal to 1% of its gross income from and after the first day of June 1970 is hereby imposed upon every utility doing business in the Village of Cobleskill which is subject to the supervision of the Department of Transportation which has a gross income for the 12 months ending May 31 in excess of \$500, except motor carriers or brokers subject to such supervision under § 240 et seq. of the Transportation Law, and a tax equal to 1% of its gross operating income from and after the first day of June 1970 is hereby imposed upon every other utility doing business in the Village of Cobleskill which has a gross operating income for the 12 months ending May 31 in excess of \$500, which taxes shall have application only within the territorial limits of the Village of Cobleskill and shall be in addition to any and all other taxes and fees imposed by any other provision of law. Such taxes shall not be imposed on any transaction originating or consummated outside of the territorial limits of the Village of Cobleskill, notwithstanding that some act be necessarily performed with respect to such transaction within such limits.

§ 140-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

GROSS INCOME -- Includes receipts received in or by reason of any sale, conditional or otherwise (except sales hereinafter referred to with respect to which it is provided that

profits from the sale shall be included in gross income), made or service rendered for ultimate consumption or use by the purchaser the Village of Cobleskill, including cash, credits and property of any kind or nature (whether or not such sale is made or such service is rendered for profit), without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or services or other costs, interest or discount paid or any other expense whatsoever; also profits from the sale of securities; also profits from the sale of real property growing out of the ownership or use of or interest in such property; also profit from the sale of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the end of the period for which a return is made); also receipts from interest, dividends and royalties derived from sources within the Village of Cobleskill other than such as are received from a corporation, a majority of whose voting stock is owned by the taxpaying utility, without any deduction therefrom for any expenses whatsoever incurred in connection with the receipt thereof; and also profits from any transaction (except sales for resale and rentals) within the Village of Cobleskill whatsoever; provided, however, that the words "gross income" shall include, in the case of a utility engaged in selling telephony or telephone service, only receipts from local exchange service wholly consummated within the Village of Cobleskill and, in the case of a utility engaged in selling telegraphy or telegraph service, only receipts from transactions wholly consummated within the Village of Cobleskill. [Amended 3-18-1996 by L.L. No. 2-1996]

GROSS OPERATING INCOME -- Includes receipts received in or by reason of any sale, conditional or otherwise, made for ultimate consumption or use by the purchaser of gas, electricity, steam, water, refrigeration, telephony or telegraphy or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water, refrigerator, telephone or telegraph service in the Village of Cobleskill, including cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid or any other expenses whatsoever.

PERSON -- Persons, corporations, companies, associations, joint-stock associations, copartnerships, estates, assignee of rents, any person acting in a fiduciary capacity or any other entity and persons, their assignees, lessees, trustees or receivers appointed by any court whatsoever, or by any other means, except the state, municipalities, political and civil subdivisions of the state or municipality and public districts.

UTILITY -- Includes every person subject to the supervision of the Department of Transportation, except persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street surface, rapid transit, subway and elevated railroads, and also includes every person (whether or not such person is subject to such supervision) who sells gas, electricity, steam, water, refrigeration, telephony or telegraphy delivered through mains, pipes or wires or furnishes gas, electric, steam, water, refrigerator, telephone or telegraph service by means of mains, pipes or wires, regardless of whether such activities are the main business of such person or are only incidental thereto or of whether use is made of the public streets. [Amended 3-18-1996 by L.L. No. 2-1996]

§ 140-3. Records.

Every utility subject to tax under this Article shall keep such records of its business and

in such form as the Village Treasurer may require, and such records shall be preserved for a period of three years, except that the Village Treasurer may consent to their destruction within that period or may require that they be kept longer.

§ 140-4. Requirements for filing return.

Every utility subject to tax hereunder shall file annually, on or before the 25th day of March, a return for the 12 calendar months preceding such return date or any portion thereof for which the tax imposed hereby is effective; provided, however, that in lieu of the annual return required by the foregoing provisions, any utility may file quarterly on or before September 25, December 25, March 25 and June 25 a return for the three calendar months preceding each such return date and, in the case of the first such return, for all preceding calendar months during which the tax imposed hereby was effective. Every return shall state the gross income or gross operating income for the period covered thereby. Returns shall be filed with the Village Treasurer on a form to be furnished by him for such purpose and shall contain such other data, information or matter as he may require to be included therein. The Village Treasurer, in order to insure payment of the tax imposed, may require at any time a further or supplemental return which shall contain any data that may be specified by him, and he may require any utility doing business in the Village of Cobleskill to file an annual return which shall contain any data specified by him regardless of whether the utility is subject to tax under this Article. Every return shall have annexed thereto an affidavit of the head of the utility making the same or of the owner or of a copartner thereof or of a principal officer of the corporation, if such business is conducted by a corporation, to the effect that the statements contained therein are true.

§ 140-5. Payment of tax.

At the time of filing a return as required by this Article, each utility shall pay to the Village Treasurer the tax imposed by this Article for the period covered by such return. Such tax shall be due and payable at the time of filing the return or, if a return is not filed when due, on the last day on which the return is required to be filed.

§ 140-6. Insufficient or unsatisfactory returns; additional tax.

- A. In case any return filed pursuant to this Article shall be insufficient or unsatisfactory to the Village Treasurer, and if a corrected or sufficient return is not filed within 20 days after the same is required by notice from him or if no return is made for any period, the Village Treasurer shall determine the amount of tax due from such information as he is able to obtain and, if necessary, may estimate the tax on the basis of external indices or otherwise. He shall give notice of such determination to the person liable for such tax. Such determination shall finally and irrevocably fix such tax, unless the person against whom it is assessed shall, within 30 days after the giving of notice of such determination, apply to the Village Treasurer for a hearing or unless the Village Treasurer of his own motion shall reduce the same. After such hearing, the Village Treasurer shall give notice of his decision to the person liable for the tax. Such decision may be reviewed by a proceeding under Article 78 of the Civil

Practice Law and Rules of the State of New York if application therefor is made within 90 days after the giving of notice of such decision. An order to review such decision shall not be granted unless the amount of any tax sought to be reviewed, with interest and penalties thereon, if any, shall be first deposited with the Village Treasurer and an undertaking filed with him in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the applicant will pay all costs and charges which may accrue in the prosecution of such proceeding, or at the option of the applicant, such undertaking may be in a sum sufficient to cover the tax, interest, penalties, costs and charges aforesaid, in which event the applicant shall not be required to pay such tax, interest and penalties as a condition precedent to the granting of such order.

- B. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as required by this Article, the tax may be assessed at any time.

§ 140-7. Notice.

Any notice authorized or required under the provisions of this Article may be given by mailing the same to the person for whom it is intended, in a postpaid envelope, addressed to such person at the address given by him in the last return filed by him under this Article, or, if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Article by the giving of notice shall commence to run from the date of mailing of such notice.

§ 140-8. Penalty upon nonpayment of tax.

Any person failing to file a return or corrected return or to pay any tax or any portion thereof within the time required by this Article shall be subject to a penalty of 5% of the amount of tax due, plus 1% of such tax for each month of delay or fraction thereof, excepting the first month after such return was required to be filed or such tax became due; but the Village Treasurer, for cause shown, may extend the time for filing any return and, if satisfied that the delay was excusable, may remit all or any portion of the penalty fixed by the foregoing provisions of this section.

§ 140-9. Refunds.

If within one year from the payment of any tax or penalty the payer thereof shall make application for a refund thereof and the Village Treasurer or the court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the Village Treasurer shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the Village Treasurer. However, no refund shall be made of a tax or penalty paid pursuant to a determination of the Village Treasurer as hereinbefore provided unless the Village Treasurer, after a hearing as hereinbefore provided or of his own motion, shall have reduced the tax or

penalty or it shall have been established in a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York that such determination was erroneous or illegal. All refunds shall be made out of moneys collected under this Article. An application for a refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of, and the Village Treasurer may receive additional evidence with respect thereto. After making his determination, the Village Treasurer shall give notice thereof to the person interested, and he shall be entitled to an order to review such determination under said Article 78, subject to the provisions hereinbefore contained relating to the granting of such an order.

§ 140-10. Tax to be paid by utility.

The tax imposed by this Article shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

§ 140-11. Liens.

Whenever any person shall fail to pay any tax or penalty imposed by this Article, the Village Attorney shall, upon the request of the Village Treasurer, bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the Village Treasurer. Each such tax and penalty shall be a lien upon the property of the person liable to pay the same in the same manner and to the same extent that the tax and penalty imposed by § 186-a of the Tax Law is made a lien.

§ 140-12. Powers and duties of Village Treasurer.

In the administration of this Article, the Village Treasurer shall have power to make such reasonable rules and regulations, not inconsistent with law, as may be necessary for the exercise of his powers and the performance of his duties and to prescribe the form of blanks, reports and other records relating to the administration and enforcement of the tax, to take testimony and proofs under oath with reference to any matter within the line of his official duty under this Article and to subpoena and require the attendance of witnesses and the production of books, papers and documents.

§ 140-13. Disclosure of information restricted; penalties for offenses.

- A. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Village Treasurer or any agent, clerk or employee of the Village of Cobleskill to divulge or make known in any manner the amount of gross income or gross operating income or any particulars set forth or disclosed in any return under this Article. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Village of Cobleskill in an action or proceeding under the provisions of this Article, or on behalf of the State Tax Commission in an action or proceeding under the provisions of the Tax Law of the State of New York or on behalf of any party to any action or proceeding under the

provisions of this Article when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a person or his duly authorized representative of a copy of any return filed by him, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof or the publication of delinquent lists showing the names of persons who have failed to pay their taxes at the time and in the manner provided for by this Article, together with any relevant information which in the opinion of the Village Treasurer may assist in the collection of such delinquent taxes; or the inspection by the Village Attorney or other legal representatives of the Village of Cobleskill of the return of any person who shall bring action to set aside or review the tax based thereon or against whom an action has been instituted in accordance with the provisions of this Article.

- B. Any offense against the foregoing secrecy provisions shall be punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both.
- C. Notwithstanding any provisions of this Article, the Village Treasurer may exchange with the chief fiscal officer of any city or any other village in the State of New York, information contained in returns filed under this Article, provided that such city or other village grants similar privileges to the Village of Cobleskill, and provided that such information is to be used for tax purposes only, and the Village Treasurer shall, upon request, furnish the State Tax Commission with any information contained in such returns.

§ 140-14. Disposition of funds.

All taxes and penalties received by the Village Treasurer under this Article shall be paid into the treasury of the village and shall be credited to and deposited in the general fund of the village.

ARTICLE II, Veterans Tax Exemption [Adopted 1-21-1985 as L.L. No. 2-1985]

§ 140-15. Purpose.

The purpose of this Article is to reduce the maximum veterans exemption allowable pursuant to § 458-a of the Real Property Tax Law of the State of New York.

§ 140-16. Exemption granted; restrictions.

Pursuant to the provisions of Subdivision 2(d) of § 458-a of the Real Property Tax Law of the State of New York, the maximum veterans exemption from real property taxes allowable pursuant to § 458-a of the Real Property Tax Law is established as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption

shall not exceed the lesser of \$6,000 or the product of \$6,000 multiplied by the latest state equalization rate for the Village of Cobleskill.

- B. In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$4,000 or the product of \$4,000 multiplied by the latest state equalization rate for the Village of Cobleskill.
- C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veteran's Administration because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed the lesser of \$20,000 or the product of \$20,000 multiplied by the latest state equalization rate for the Village of Cobleskill.

ARTICLE III, Senior Citizens Tax Exemption [Adopted 8-19-1996 by L.L. No. 5-1996¹⁶EN]

§ 140-17. Purpose.

The purpose of this article is to provide an exemption from taxation to certain senior citizens within the Village of Cobleskill as allowed under § 467 of the Real Property Tax Law of the State of New York.

§ 140-18. Exemption granted.

- A. Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation by the Village of Cobleskill to the extent provided in the following schedule:

Annual Income	Percentage Assessed Valuation Exempt From Taxation (percent)
\$10,000 or less	50%
More than \$10,000 but less than \$11,000	45%
\$11,000 or more, but less than \$12,000	40%
\$12,000 or more, but less than \$13,000	35%

\$13,000 or more, but less than \$13,900	30%
\$13,900 or more, but less than \$14,800	25%
\$14,800 or more, but less than \$15,700	20%
\$15,700 or more, but less than \$16,600	15%
\$16,600 or more, but less than \$17,500	10%
\$17,500 or more, but less than \$18,400	5%

- B. Sibling shall mean a brother or sister, whether related through half-blood, whole blood or adoption.
- C. Income tax year shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return was filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife or ex-husband or ex-wife is absent from the property as provided by Subsection A of § 140-32 of this article, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts, inheritances or moneys earned through employment in the federal foster grandparent program. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.
- D. Any exemption granted by this article shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed.
- E. The real property tax exemption on real property owned by a husband and wife, one of whom is sixty-five years of age or over, once granted, shall not be rescinded by any municipal corporation solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two years of age.

§ 140-19. Limitation on exemption.

No exemption shall be granted:

- A. Unless the owner shall have held an exemption under this article for his or her previous residence or unless the title of the property shall have been vested in the

owner or one of the owners of the property for at least 12 consecutive months prior to the making of the application for exemption; provided, however, that in event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. In the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purpose of computing such period of twelve consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this article. Where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for the purposes of the exemption from taxation by the Village of Cobleskill. Where the owner or owners transfer title to property which as of the date of the transfer was exempt from taxation under provisions of this article, the reacquisition of title by such owner or owners within nine months of the date of transfer shall be deemed to satisfy the requirement of this subsection that the title of the property shall have been vested in the owner or one of the owners for such period of 12 consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property, which as of the date of such death was exempt from taxation under such provisions, becomes vested, by virtue of devise or descent from the deceased owner or owners or by transfer by any other means within nine months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this subsection that the title of the property shall have been vested in the owner or one of the owners for such period of 12 consecutive months shall be deemed satisfied.

- B. Unless the property is used exclusively for residential purposes, provided, however, that in the event that any portion of such property is not used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section.
- C. Unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property except where an owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in § 2801 of the Public Health Law, provided that any income accruing to that person shall only be income to the extent that it exceeds the amount paid by such owner, spouse or co-owner for care in the facility, and provided, further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or the real property is owned by a husband and/or

wife or an ex-husband and/or and ex-wife and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be 62 years of age or over.

ARTICLE IV, Tax Exemption for Historic Properties [Adopted 11-16-1998 by L.L. No. 5-1998]

§ 140-20. Purpose.

- A. This real property tax exemption for historic properties is being enacted in order to achieve the following goals:
- (1) Increase incentives for property owners in historic districts to invest in the upkeep and rehabilitation of properties.
 - (2) Provide an incentive for the restoration and rehabilitation of commercial structures which qualify as landmarks in order to provide financial advantages, not available elsewhere in the county at this time, which may help to attract and retain businesses in the Village of Cobleskill.
 - (3) Assist homeowners who are interested in restoring their own properties but may not be able to afford to do so when faced with potential increases in taxation as a result of alterations which would qualify for this exemption.
 - (4) Provide financial incentives for investment in low-income residential neighborhoods which may contain landmark buildings or districts designated within the area.
 - (5) Provide a concrete benefit to offset the possible financial disadvantage of owning historically or architecturally significant properties which are subject to the regulations of the Village of Cobleskill's Historic Overlay District.
- B. The Village of Cobleskill's historic properties tax exemption is intended to apply to alterations or rehabilitations of historic property as authorized pursuant to §§ 96-a and 119-aa through 119-dd of the General Municipal Law and § 444-a of the Real Property Tax Law and all other powers granted to the Village of Cobleskill to provide such exemptions.
- C. This article is intended to create a real property tax exemption that preserves or increases the historic character of real property located within the Village of Cobleskill.

§ 140-21. Exemption granted; restrictions.

- A. Historic property shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

Year of Exemption	Percent of Exemption
1	100%

2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

- B. No such exemption shall be granted for such alterations or rehabilitation unless:
- (1) Such property has been designated as a landmark or is a property that contributes to the character of an historic district.
 - (2) Alterations or rehabilitations must be made for means of historic preservation.
 - (3) Such alterations or rehabilitation of historic property meet guidelines and review standards of the Historic Overlay District.
 - (4) Such alterations or rehabilitation of historic property are approved by the Historic District Review Commission prior to the commencement of work.
 - (5) Alterations or rehabilitation are commenced subsequent to the effective date of this article.
- C. Such exemption shall be granted only upon application of the owner or owners of such historic real property on a form prescribed by the State Board. The application shall be filed with the Assessor of the Town of Cobleskill on or before the appropriate taxable status date of such town.
- D. Such exemption shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this article. The Assessor shall approve such application and such property shall thereafter be exempt from taxation as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in Subsection C of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

ARTICLE V, Tax Exemption for Volunteer Fire Fighters and Ambulance Workers [Adopted 2-28-2005 by L.L. No. 2-2005]

§ 140-22. Purpose.

The purpose of this article is to adopt the provisions of Chapter 708 of the Laws of 2004,

which amend the Real Property Tax Law by adding a new § 466-e relating to an exemption for certain volunteer fire fighters and ambulance workers in the Village of Cobleskill.

§ 140-23. Legislative intent; amount of exemption; qualifications; application.

The legislative intent pursuant to Chapter 708 of the Laws of 2004 is to provide an exemption from taxation to the extent of 10% of the assessed value of real property owned by an enrolled member of the volunteer Cobleskill Fire Department, Inc.; provided further, however, that such exemption shall not exceed \$3,000 multiplied by the latest state equalization rate for the Village of Cobleskill. To qualify, an individual must have been an enrolled member of the volunteer Cobleskill Fire Department, Inc., for 5 years; the applicant must reside in the Village of Cobleskill, which is served by the volunteer Cobleskill Fire Department, Inc.; and the property must be the primary residence of the applicant. Application for such exemption must be filed with the Assessor for the Town of Cobleskill on or before the taxable status date.

§ 140-24. Lifetime exemption.

A lifetime 10% exemption shall be provided to a person who has been an enrolled member of the volunteer Cobleskill Fire Department, Inc., with active service for 20 years, as so certified by the volunteer Cobleskill Fire Department, Inc. The exemption shall be granted to the member for the remainder of his or her life as long as his or her primary residence is located within the Village of Cobleskill.

§ 140-25. Definitions.

As used in this article, the following terms shall have the meanings indicated:
AN ENROLLED MEMBER, ENROLLED FIRE FIGHTER or ENROLLED VOLUNTEER AMBULANCE WORKER -- An enrolled and active member of the volunteer Cobleskill Fire Department, Inc., whose primary residence is situate within the Village of Cobleskill. It shall include members of the volunteer Cobleskill Fire Department Auxiliary. It shall not include honorary members of the volunteer Cobleskill Fire Department.

Chapter 141, TREES

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 1-22-2002 by L.L. No. 1-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas -- See Ch. 104.
Subdivision of land -- See Ch. 135.
Zoning -- See Ch. 160.

§ 141-1. Title.

This chapter shall be known and may be cited as the "Tree Law of the Village of Cobleskill, County of Schoharie."

§ 141-2. Purpose.

The proper planting of new trees and the health and maintenance of existing trees within the public right-of-way aid in maintaining property values in the Village of Cobleskill, implement the design and environmental goals of the comprehensive plan, and promote the general welfare of the Village of Cobleskill residents. This chapter will:

- A. Create a Tree Committee to establish regulations governing the planting, maintenance, and removal of trees and shrubs in the public streets, rights-of-way, parks and other municipally owned property in the Village of Cobleskill;
- B. Preserve green foliage on village streets and public property; and
- C. Replace trees that must be removed from public property because of disease or lack of development.

§ 141-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADJACENT PROPERTY OWNER -- The person, firm, entity, or corporation owning property bordering a village street. The adjacent property owner to a public tree shall be the owner of property located on a perpendicular with the street line through the center of the tree four feet above the edge of pavement of a roadway.

DIAMETER BREAST HEIGHT (DBH) -- Tree trunk diameter measured in inches with a calipers at six inches from grade in the case of trees measuring four inches or less in diameter; and at a height 4 1/2 feet above grade when the tree trunk is larger than four inches.

DRIPLINE -- A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

NUISANCE -- Any thing or act that annoys or disturbs unreasonably, hurts a person's use of his or her property, or violates the public health, safety and welfare.

PARK -- Includes land designated as a park pursuant to New York State statutes as well as areas such as playgrounds, pools or other recreational facilities within the village under the jurisdiction of the Village Board of Trustees pursuant to the Village of Cobleskill Code § 104-3.

PUBLIC PLACES -- Includes all grounds owned, leased or controlled by the Village of Cobleskill, County of Schoharie, for public use.

PUBLIC TREE -- Any woody plant, located on municipal property or within the municipal right-of-way, having at least one well-defined trunk and at least 2 1/2 inches in diameter measured at a height of six inches above the natural grade and having a clearly defined crown.

- A. **ORNAMENTAL TREES** -- Small to medium trees that grow 15 feet to 40 feet in height at maturity, and that are planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.
- B. **SHADE TREES** -- A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

SEVERE ROOT PRUNING -- Cutting back the underground tree roots inside 1.5 times

the dripline of the tree that will be detrimental to the life of the tree.

STREET -- A highway, road, avenue, lane, alley, culvert, embankment, or sidewalk which the public has a right to use.

STREET TREE -- Any tree, shrub, bush, or other woody vegetation on land lying between property lines on either side of all streets, avenues or roads, such as the municipal right-of-way.

TOPPING -- Severe cutting back of limbs to stubs larger than three inches in diameter within the tree crown to such degree so as to remove the normal canopy and disfigure the tree.

TREELAWN -- The green space adjacent to a street or highway, not covered by sidewalks or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

TREE MEASUREMENT -- Also known as "diameter breast height."

TREE WORK -- Includes, but is not limited to, pruning, shaping, thinning, cabling, stump removal, root pruning, topping, fertilizing, removing, planting, and spraying for insect and disease control, of a tree.

UTILITIES -- Those entities that provide electricity, gas, sewer, water, telephone and cable television to properties within the village.

§ 141-4. Tree Committee established.

A. Establishment; membership; terms.

- (1) The Village Board of Trustees shall create an advisory committee known as the "Village of Cobleskill Tree Committee." The Committee shall consist of five members, all of whom shall be residents of the village. In addition, the Village Code Enforcement Officer and the Village Engineer shall serve as ex officio members of the Committee. Each member shall be appointed by the Mayor, subject to approval by the Board of Trustees.
- (2) The members shall be appointed initially as follows: two members shall be appointed for a term of one year; two members shall be appointed for a term of two years; and one member shall be appointed for a term of three years. Thereafter, all appointments shall be for three years.
- (3) If a Committee member does not serve the full term for reasons other than the expiration of the term, the Mayor shall appoint a successor, to serve for the unexpired term.

B. Tree Committee duties. The Tree Committee shall have the following duties that include, but are not limited to:

- (1) Studying, investigating, developing and/or updating the Village's written plan for caring, preserving, pruning, topping, replanting, removing or disposing of trees and shrubs in parks, along Village streets, and in other public areas.
- (2) Maintaining reference materials relating to trees and shrubs.
- (3) Providing an inventory of the location of street trees and determining areas where such trees could exist but are absent.
- (4) Establishing a suggested species list for the village and recommending to the village the type and kind of trees to be planted upon village property.
- (5) Identifying trees for immediate removal.
- (6) Providing a long-range plan every five years for the Village relating to street

trees and shrubs.

- (7) Providing the Village Board of Trustees with a yearly estimate of personnel costs and the cost of nursery stock to be used. Such plan shall be presented annually to the Board.
- (8) Educating the public regarding the selection, planting and maintenance of trees within the village limits.
- (9) Recommending to the Village Board of Trustees desirable legislation concerning the tree program.
- (10) Coordinating tree-planting projects.

C. Meetings.

- (1) The Committee shall meet a minimum of six times each year. The Committee may call additional meetings as needed.
- (2) If a Committee member misses six consecutive meetings, the position will be deemed vacant.

§ 141-5. Municipal responsibility.

- A. The municipality or its agent shall perform all necessary maintenance to preserve and protect street trees in a safe and healthy condition, including trimming, spraying, fertilizing, watering, staking, topping, root pruning, mulching, treating for disease or injury, and removal if necessary.
- B. The village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of village streets and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- C. The Village Tree Committee may recommend a tree or part of a tree be removed if the tree or tree part:
 - (1) Poses a potential public safety risk or hazard; or
 - (2) Causes an unsafe condition; or
 - (3) By its nature, is injurious to sewers, electric power lines, gas lines, waterlines or other public improvements; or
 - (4) Is affected with any injurious fungus, insect or pest.
- D. No property owner shall be permitted to allow a tree, shrub, or other plant growing on his or her property to obstruct or interfere with the view of drivers of vehicles or pedestrians on the sidewalk to create a traffic hazard. If such tree, shrub or other plant does overhang or does otherwise adversely affect any street, sidewalk, or right-of-way within the village, the property owner shall, at the owner's expense, prune the tree, shrub or plant so that it shall not obstruct the view of any street intersection or obstruct or hinder passage on any street or sidewalk. If an owner must trim a tree, shrub, or other plant, the owner must provide for a clear space of eight feet above the surface of the sidewalk and up to 14 feet above the surface of the street after consultation with a certified arborist.
- E. If an obstruction persists, the Code Enforcement Officer shall mail a notice, in writing, to the property owner to prune or remove the tree, shrub or plant within 10 days. If the owner fails to comply with the notice, the Village may undertake the necessary work and charge the cost for such work to the property owner. If such charge remains unpaid for 60 days, the expense shall be added to the next real estate

tax bill of the property owner.

§ 141-6. Prohibited actions.

- A. No person or utility shall plant, spray, fertilize, treat, prune, remove, cut above ground, disturb the root system or otherwise disturb any public tree or shrub on any village street, park or public place without a permit.
- B. Further, no person shall fasten or attach to any tree any sign, poster, bill, notice or advertisement of any kind.
- C. No person or utility shall cause or permit any brine, oil, gasoline, liquid dye or other substance deleterious to tree life to lie, leak, pour, flow or drip on or into the soil about the base of a tree which could injure such tree.
- D. No person shall fasten or cause to be fastened any animal to a tree in any street or public place or permit any animal owned by him or in his charge to stand so near any such tree that the tree may be gnawed or otherwise injured by the animal.
- E. No trees shall be planted or allowed to grow on private or public lands within the limits of, or which will interfere with, any drainage, sewer, water, or utility easement.

§ 141-7. Planting and maintenance.

- A. Application to plant. No one, except the Village of Cobleskill or its agents acting in the Village's behalf, shall plant a tree or shrub upon Village property or upon a Village treelawn without first submitting an application to the Tree Committee on forms provided by the Committee.
- B. Information required. Anyone submitting an application shall state the number of trees to be set out; the location, species or variety of each tree to be planted; the method of planting; and any other information as the Tree Committee shall find reasonably necessary for its recommendation to the Codes Enforcement Officer to issue the appropriate permit.
- C. Removal, replanting and replacement. No one except the Village of Cobleskill or its agents acting on the Village's behalf, shall remove, replant or replace a tree from Village property or the treelawn for any reason without first applying to the Tree Committee on forms provided by it and receiving a permit from the Codes Enforcement Officer. Such replacement shall meet the standards of size, species and placement as set by the Tree Committee according to specifications set forth by this chapter in § 141-12.
- D. Notice of completion. Notice of completion shall be given to the Codes Enforcement Officer so a final inspection may be made.
- E. Costs.
 - (1) The costs initiated by the adjacent property owner for tree planting, tree removals, or tree replacements shall be borne by such adjacent property owner. The Tree Committee may suggest to the Village that the Village share in the expense of this work or may perform this work wholly at the Village's expense as long as such expenses are within budget limitations established annually by the Board of Trustees.
 - (2) The costs for work performed by or for utilities shall be borne by the respective utility.

§ 141-8. Removal of dead and diseased trees from private property.

Private property owners have the duty, at their own expense, to cut down and remove any trees upon their property which are dead, harbor insects or disease, or which are so damaged as to be a public nuisance and in danger of falling, thereby causing damage to person or property of others. The Village Tree Committee shall recommend to the Code Enforcement Officer to provide the property owner with written notification that a tree or shrub should be removed for the reasons stated above. Owners shall, at their own expense, remove such trees. Owners shall have 15 days after the date of service of the notice to inform the Code Officer as to when the tree shall be removed. Owners shall have no more than 30 days after informing the Code Officer to remove such trees unless the Code Officer indicates otherwise in writing. If owners fail to comply with such provisions, the Village shall remove such trees and charge the cost of removal to the property owner upon notice and hearing. If the cost of such removal remains unpaid for 60 days, the cost of removal shall be added to the next real estate tax bill of the property owner.

§ 141-9. Topping and root pruning trees.

It shall be unlawful for any person, firm, entity, corporation, or utility to top any street tree or shrub, or to engage in severe root pruning. Trees severely damaged by storms or certain trees under utility wires or other obstructions, where other pruning practices are impractical, may be exempted from this chapter upon the recommendation of the Tree Committee.

§ 141-10. Trees near excavation or construction.

- A. No person or utility shall excavate any ditches, tunnels or trenches, or lay any drive within the dripline of a public tree without first obtaining a permit from the Codes Enforcement Officer.
- B. No person or utility shall remove a tree or shrub from the treelawn for the purpose of construction or for any other reason without first filing an application and receiving a permit from the Codes Enforcement Officer.
- C. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work shall be guarded with a substantial fence, frame, or box not less than four feet high. Whenever possible, the diameter of such fence, frame or box should be at least one and one-half times the dripline. At no time shall the fence, frame, or box extend beyond the sidewalk into the street, nor shall such fence, frame, or box cause a hardship for those using the sidewalk.
- D. When construction, excavation, and/or material deposits result in the destruction and/or removal of a street tree, the person or utility responsible for that damage shall replace the street tree with either a tree or trees of equivalent dollar value in the vicinity of the removed street tree.

§ 141-11. Interference with tree work.

No one shall hinder, prevent, delay, or interfere with the Village of Cobleskill or its

agents, including the Tree Committee, or any of its assistants, or any contractors while engaged in carrying out the enforcement of this chapter or duly adopted regulations.

§ 141-12. Specifications and standards of practice.

- A. The Village of Cobleskill hereby adopts the Arboricultural Specifications and Standards of Practice of the International Society of Arboricultural as published under American National Standard for Tree Care Operations (ANSI A300-1995) or the most recent edition (a copy of which is available for review).
- B. All tree work done by or in the Village of Cobleskill shall conform to these specifications and standards.

§ 141-13. Penalties for offenses.

Any person, firm, entity, or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than \$250 or may be imprisoned for a term not exceeding 15 days, or both.

§ 141-14. Severability.

If any section, paragraph, sentence, clause, or phrase of this chapter is found to be invalid by a Court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining portions of this chapter.

§ 141-15. When effective.

This chapter shall become effective immediately upon filing with the New York State Secretary of State.

Chapter 148, VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill at time of adoption of Code 3-18-1996 by L.L. No. 2-1996. (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks -- See Ch. 131.

ARTICLE I, General Provisions

§ 148-1. Definitions.

- A. The words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them by Article 1 of the Vehicle and

Traffic Law of the State of New York (hereinafter referred to as the "Vehicle and Traffic Law").

- B. The following words and phrases, which are not defined by Article 1 of the Vehicle and Traffic Law, shall have the meanings respectively ascribed to them in this section for the purposes of this chapter:

CURBLINE -- The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary of the roadway.

HIGHWAY -- The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the public for purposes of vehicular travel.

[Added 12-18-2000 by L.L. No. 3-2000]

HOLIDAYS -- New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

OFFICIAL TIME STANDARD -- Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.

PUBLIC PARKING LOT -- A plot or parcel of land or building owned by and/or leased by the Village, not including highways, upon or within which the parking of vehicles is regulated by signs and/or parking meters.

§ 148-2. Authority to install traffic control devices.

The Superintendent of Public Works shall or shall cause installation and maintenance of traffic control devices when and as required under provisions of this chapter to make effective the provisions of this chapter and may install and maintain such additional traffic control devices as he or she may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law, subject to provisions of §§ 1682 and 1684 of that law. Nothing herein shall be construed to require the Superintendent to install or maintain any traffic control devices which are subject to installation or maintenance by the State Department of Transportation or any other department, agency or authority which is not under jurisdiction of the Village.

§ 148-3. Adoption of regulations.

Regulations shall be adopted by the Board of Trustees in accordance with provisions of the Village Law and the Vehicle and Traffic Law or by an officer or agency authorized by the Board of Trustees to adopt regulations pursuant to § 1603 of the Vehicle and Traffic Law.

ARTICLE II, Speed Regulations

§ 148-4. Maximum speed limits. [Amended 8-19-1996 by L.L. No. 4-1996]

- A. Thirty miles per hour is hereby established as the maximum speed limit at which vehicles may proceed on or along highways within the Village except as otherwise specifically provided in this chapter.

- B. Forty miles per hour is hereby established as the maximum speed limit at which vehicles may proceed on or along highways within the Village in the following locations: [Amended 5-20-2002 by L.L. No. 6-2002]

Street	Location
Elm Street	From Jefferson Avenue west to the Village boundary
West Main Street	From 1,500 feet west of MacArthur Avenue, west to the Village boundary

ARTICLE III, Parking, Standing and Stopping

§ 148-5. Applicability.

The provisions of this Article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with directions of a police officer or official traffic control device.

§ 148-6. No parking at any time. [Amended 11-10-1997 by L.L. No. 3-1997; 5-20-2002 by L.L. No. 6-2002]

No person shall park a vehicle at any time upon any of the following described highways or parts thereof:

Street/Location	Side	Limits
Bridge Street	Both	Entire length
Burgin Drive	Both	Entire length
Campus Drive	Both	From East Main Street to Pleasantview Drive
Center Street	Both	Entire length
Chapel Street	South	Entire length
Cleveland Avenue	Both	Entire length
Division Street	East	Entire length
East Main Street	North	From 200 feet east of Union Street east to the Village limits
East Main Street	South	From Center Street east to the Village limits

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East Street	West	Entire length
Elm Street	Both	Entire length
Harder Avenue	Both	Entire length
High Street	Both	Entire length
Highland Terrace	Both	Entire length
Jay Street	Both	Entire length
Lark Street	Both	Entire length
Legion Drive	Both	Entire length
Lincoln Avenue	Both	Entire length
MacArthur Avenue	Both	Entire length
Maple Road	South	Entire length
North Grand Street	Both	Entire length
North Street	Both	Entire length
Park Place	South	Entire length
Plaza Lane (private drive)	--	Adjacent to the curb in front of all stores that are part of the plaza
Quarry Street	Both	Entire length
Rose Street	West	Entire length
Settles Mountain Road	Both	From Elm Street to Village line
Shopper's Mart	--	Adjacent to the curb in front of all stores that are part of the plaza
South Grand Street	Both	Entire length
Spring Street	West	Entire length
Sycamore Lane	Both	Entire length
Trestle Lane	Both	Entire length
Union Street	West	From Lark Street north to Chapel Street

Veterans Drive	Both	Entire length
Washington Avenue	East	Entire length south of Elm Street
Washington Avenue	West	Entire length north of Elm Street
West Main Street	Both	From Veteran's Drive west to the Village limits

§ 148-7. All-night parking. [Amended 12-18-2000 by L.L. No. 3-2000; 5-20-2002 by L.L. No. 6-2002; 1-20-2009 by L.L. No. 1-2009]

- A. The parking of vehicles is hereby prohibited on all highways within the Village between 2:00 a.m. and 6:00 a.m. from November 1 to April 15 except as otherwise specifically provided in this chapter.
- B. (Reserved)
- C. The parking of vehicles is hereby prohibited in the cited Village parking lots between 2:00 a.m. and 6:00 a.m. from November 1 to April 15 except as otherwise specifically provided in this chapter.

Parking Lot	Days	Limits
Main and Union Street Lot	Daily	Entire lot

§ 148-8. Time limit parking. [Amended 12-18-2000 by L.L. No. 3-2000; 5-20-2002 by L.L. No. 6-2002; 1-20-2009 by L.L. No. 1-2009]

- A. Two-hour parking. No person shall park a vehicle for longer than two hours on the following described Village highways, public parking lots or parts thereof from 6:00 a.m. to 6:00 p.m., Monday through Saturday, except holidays:

Street/Lot	Side	Limits
Main and Union Street Lot		Entire lot
South Grand Street Lot		Center of lot

- B. Twenty-minute parking. No person shall park a vehicle for longer than 20 minutes on the following described Village highways, public parking lots or parts thereof from 6:00 a.m. to 6:00 p.m., Monday through Saturday, except holidays:

Street/Lot	Side	Limits
Union Street	East	From Lark Street south 152 feet

Union Street West From Lark Street south 110 feet
Union Street West 13 spaces immediately north of the US Post Office

C. Free all-day public parking. The following parking lots are designated "Free all-day public parking" lots as described:

Street/Lot	Hours/Days	Limits
Firehouse Lot	8:00 a.m. to 6:00 p.m./Monday through Saturday, except holidays	25 spaces at west end of parking lot
South Grand Street Lot	All days	All spaces other than the 12 spaces in the center of the lot
Union Street Lot	All days	All spaces other than the 13 spaces immediately north of the US Post Office

§ 148-9. No parking here to corner. [Amended 5-20-2002 by L.L. No. 6-2002]

No person shall park a vehicle within 25 feet of any intersection, except as follows:

Street	Side	Limits
East Main Street	North	East from Union Street for 135 feet
East Main Street	South	West from Center Street for 65 feet

§ 148-10. No parking or standing near fire hydrants.

No person shall stand or park a vehicle within 12 feet of a fire hydrant.

§ 148-11. Handicapped parking.

No person shall stop, stand or park a vehicle in any area designated as a place for handicapped parking unless the vehicle shall display a permit or registration issued by the Department of Motor Vehicles allowing parking in a handicapped parking space and such vehicle is being used for the transportation of a severely disabled or handicapped person.

§ 148-12. Double and diagonal parking. [Amended 9-16-2002 by L.L. No. 8-2002]

Double parking of vehicles is prohibited on all streets and highways within the Village. Diagonal parking of vehicles is prohibited on streets and highways in the Village, except that noncommercial vehicles may park in specially designated diagonal parking spaces in front of the Elks Lodge on Legion Drive.

§ 148-13. Parallel standing or parking.

All vehicles left standing or parked in parking spaces or parking meter spaces on Village streets shall stand or be parked parallel with the curb or curblane facing in the direction of traffic and with the wheels on the right side of said vehicle not more than eight inches from said curb or curblane, except in such places on said streets where standing or parking in any manner is otherwise specifically prohibited, and except that vehicles used for the transportation of merchandise, material or property may stop on any street or may back into the curb to expeditiously discharge or take on loads when such stopping or backing into the curb does not interfere with the free movement of traffic and except that a vehicle may stop for the expeditious discharging or taking on of passengers when such stopping does not interfere with the free movement of traffic.

§ 148-14. Other unlawful parking or standing.

- A. No person shall stand or park a vehicle upon any street or in any of the parking areas or spaces prescribed in this chapter for the purposes of:
 - (1) Displaying it for sale.
 - (2) Washing, greasing or repairing such vehicle except for such repairs as may be necessitated by an emergency.
 - (3) For the primary purpose of advertising.
- B. No person shall stand or park a vehicle upon any street in any of the parking areas or spaces or in any public parking lot prescribed within this chapter unless such vehicle is validly registered and inspected pursuant to the laws of the State of New York.
- C. No person shall stand or park a vehicle upon any street which shall block in whole or in part the entrance or exit of a driveway.
- D. No person shall stand or park a vehicle upon any sidewalk.

§ 148-15. Fire lane. [Amended 1-4-2005 by L.L. No. 1-2005]

- A. It shall be a violation of this chapter to park or stand a motor vehicle or trailer in any area in the Village of Cobleskill designated as a fire lane. Fire lanes shall be designated, as provided for in § 58-10 of the Code of the Village of Cobleskill.
- B. Penalties. Penalties for violations of this section shall be those contained in § 148-34 of the Code of the Village of Cobleskill, as amended. In addition, any vehicle parked in violation of this section may be towed and the owner/operator shall, in addition to any penalties for the violation of this section, be responsible for all towing and storage charges incurred.

ARTICLE IV, Restricted Travel

§ 148-16. Restrictions.

The following restrictions are hereby placed on vehicles traveling on the highways in the Village:

- A. One-way streets. The following described streets or parts hereof are hereby

designated as one-way streets in the direction indicated: [Amended 5-20-2002 by L.L. No. 6-2002; 11-17-2009 by L.L. No. 2-2009]

Street	Direction of Travel	Other Limits
Center Street	North	
Clinton Circle	Counterclockwise	On the circle only
Division Street	South	
Madison Terrace	West	From 7:00 a.m. to 9:00 a.m. and from 2:00 p.m. to 4:00 p.m., Monday through Friday
Park Place	West	
Prospect Street	East	East from the driveway of 125 Prospect Street

- B. Trucks excluded. Trucks or commercial vehicles, tractors and tractor and trailer combinations in excess of eight tons are hereby excluded from all Village streets which are not state highways in the Village, except that this regulation shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles and combinations are otherwise excluded.
- C. Impediments to flow of traffic; parades.
- (1) No person, firm or corporation shall impede or cause an impediment to the normal flow of traffic within the Village by blocking traffic as a result of a protest, parade, demonstration or other activity without first obtaining written permission for the conduct of the same from the Mayor. Application for a permit to conduct such activity shall be on such form or forms and within such time notice as the Mayor shall prescribe.
 - (2) Any permitted blockage or interruption of traffic as provided for within this section shall be under the direction of the Chief of Police or his or her designee as to area, times, routes or other conduct and any person, firm or corporation holding such permit shall obey and cause to be obeyed all such directions of the Chief.

ARTICLE V, Turning Movements

§ 148-17. Prohibition of right turns on red. ^{17EN} [Amended 5-20-2002 by L.L. No. 6-2002]

Vehicles may not turn right while facing a steady red indication of a traffic light as

follows:

Street	Direction of Travel	Intersection
Main Street	West	North Grand Street
South Grand Street	North	Main Street
West Main Street	East	South Grand Street

§ 148-18. Prohibition of U-turns.

The turning of vehicles on any street so as to proceed in the opposite direction is hereby prohibited.

§ 148-19. Prohibition of right turns.

The right turning of vehicles is hereby prohibited as follows:

Intersection

From Prospect Street onto North Street

ARTICLE VI, Stop Intersections

§ 148-20. Stop intersections. [Amended 11-10-1997 by L.L. No. 3-1997; 5-20-2002 by L.L. No. 6-2002]

The following are hereby designated as stop streets, and stop signs shall be erected on such streets at the following intersections:

Street	Intersection of
Anthony Circle	Campus Drive
Bridge Street	Rose Street
Bridge Street	West Main Street
Brookside Avenue	MacArthur Avenue
Burgin Drive	East Main Street
Campus Drive	East Main Street

Canterbury Drive	Crabapple Lane
Center Street	East Main Street
Chapel Street	North Grand Street
Chapel Street	Union Street
Cherry Lane	Union Street
Cleveland Avenue	Maple Road
Cleveland Avenue	North Grand Street
Clinton Circle	North Grand Street
Crabapple Lane	Pleasantview Drive
Davies Lane	Pleasantview Drive
Division Street	Railroad Avenue
Everett Street	MacArthur Avenue (both intersections)
Florence Street	MacArthur Avenue
France Lane	Veteran's Drive
France Lane	West Main Street
Gale Drive	Pleasantview Drive
Grandview Drive	Legion Drive
Grove Street	MacArthur Avenue
Harder Avenue	West Main Street
Highland Terrace	Lincoln Avenue
High Street	North Grand Street
Hillside Drive	Crabapple Lane
Jay Street	Lark Street
Jefferson Avenue	Elm Street
Jefferson Avenue	Madison Terrace
Lark Street	North Street
Lark Street	Union Street
Legion Drive	North Street

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Lincoln Avenue	Elm Street
MacArthur Avenue	East Street
MacArthur Avenue	South Grand Street (both intersections)
MacArthur Avenue	West Main Street
Madison Terrace	Golding Drive (private drive)
Mallard Lane	MacArthur Avenue
Maple Road	North Grand Street
Maple Road	Washington Avenue
North Street	East Main Street
North Street	Quarry Street
Park Place	Veteran's Drive
Parkway Drive	Grandview Drive (both intersections)
Pine Street	Quarry Street
Pleasantview Drive	Campus Drive
Prospect Street	North Street
Quarry Street	North Grand Street
Ridgewood Way	Grandview Drive
Ridgewood Way	North Street
Rose Street	Bridge Street
Rose Street	Elm Street
St. Christopher's Place	Grandview Drive
Settles Mountain Road	Elm Street
South Grand Street	Mineral Springs Road
Spring Street	East Main Street

Sycamore Lane	Legion Drive (both intersections)
Timber Lane	Overlook Drive
Timber Lane	Woods Drive
Trestle Lane	East Main Street
Union Street	Main Street
VanDeusen Drive	Overlook Drive
Veteran's Drive	West Main Street
Washington Avenue	West Main Street
Washington Avenue	Elm Street (both intersections north and south)
Woods Drive	Grandview Drive

§ 148-21. (Reserved)

ARTICLE VII, Two-Hour Parking [Added 3-18-1996 by L.L. No. 3-1996^{18EN}]

§ 148-22. Two-hour parking zones established. ^{19EN} [Amended 11-10-1997 by L.L. No. 3-1997; 5-20-2002 by L.L. No. 6-2002]

Two-hour parking zones are hereby established on Village streets as follows:

Street	Side	Limits
Division Street	West	Between Main Street and Railroad Avenue
Main Street	North	Between North Grand Street and Union Street
Main Street	South	Between South Grand Street and Center Street
Park Place	North	Between South Grand Street and Veteran's Drive
West Main Street	North	Between North Grand Street and the Mill Creek Bridge
West Main Street	South	Between South Grand Street and Veteran's Drive

§ 148-23. Parking time limits established. [Amended 1-20-2009 by L.L. No. 1-2009]

The parking of vehicles is hereby prohibited for a period of longer than two hours between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday, except holidays.

§ 148-24. Policing of two-hour parking zones.

- A. The Chief of Police or his or her designee shall be responsible for the policing and supervision of two-hour parking zones in the Village.
- B. Installation.
 - (1) Pavement markings shall be applied, where practicable, outlining parking spaces in the two-hour parking zones established in this article.
 - (2) No parking spaces shall be applied at or adjacent to locations where parking, standing or stopping is prohibited pursuant to § 1202 of the New York State Vehicle and Traffic Law or this chapter or other laws of this Village where parking spaces are in conflict with such prohibition.

§ 148-25. (Reserved)

§ 148-26. (Reserved)

§ 148-27. (Reserved)

§ 148-28. (Reserved)

ARTICLE VIII, Removal and Storage of Vehicles

§ 148-29. Authority to impound vehicles.

Any vehicle may be removed by the Chief of Police or his or her designee:

- A. When said vehicle is parked or abandoned on any highway within this Village during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned;
- B. When said vehicle is found unattended on any highway within this Village where said vehicle constitutes an obstruction to traffic or pedestrians; or
- C. When said vehicle is parked or abandoned on any highway within this Village where stopping, standing or parking is prohibited.

§ 148-30. Storage and charges.

After removal of any vehicles as provided in this Article, the Police Department may store such vehicle in a suitable place at the expense of the owner. Such owner or person

in charge of the vehicle may redeem the vehicle upon payment to the Police Department of the amount of all expenses actually and necessarily incurred in effecting such removal or to the owner or operator of a commercial vehicle removal company and/or storage lot if such removal and storage shall be by commercial vendor authorized by the Police Department, together with any penalties provided for within this chapter.

§ 148-31. Notice of removal.

The Police Department shall ascertain to the extent possible the owner of the vehicle or person having the same in charge and notify him or her of the removal and disposition of such vehicle and of the amount which will be required to redeem the same.

§ 148-32. Parking in Village parking lots during snow emergency. [Amended 12-18-2000 by Ord. No. 3-2000; 5-20-2002 by L.L. No. 6-2002]

- A. No parking shall be allowed in the Division Street Lot, South Grand Street Lot and the Main and Union Street Lot after three inches of snowfall until the lot is cleared. All vehicles left in these parking lots during a snow emergency shall be deemed abandoned in accordance with § 148-29 of the Village of Cobleskill Code.
- B. Parking will be allowed in the Union Street Lot until all other lots have been cleared, at which time all vehicles shall be moved to an alternate lot so that the Union Street Lot may be cleared of snow.
- C. Parking lots. The following areas are designated as Village parking lots: [Amended 1-20-2009 by L.L. No. 1-2009]
 - (1) Division Street Parking Lot (TMP No. 68.06-1-14).
 - (2) South Grand Street Parking Lot (TMP No. 68.05-5-7).
 - (3) Main and Union Street Parking Lot (TMP No. 56.18-7-21).
 - (4) Firehouse Lot (TMP No. 68.6-3-6): limited to 25 spaces at the west end of the parking lot.

ARTICLE IX, Punishment of Violators

§ 148-33. Penalties for offenses.

- A. Any person, firm, corporation or association, whether its principal or agent, violating or assisting in the violation of the regulations set forth in this chapter, except as otherwise provided in this section, shall be liable for a fine of \$15 for each violation. [Amended 3-18-1996 by L.L. No. 3-1996; 11-10-1997 by L.L. No. 3-1997]
- B. Any person, firm, corporation or association, whether its principal or agent, upon failure to pay the fine set forth in Subsection A of this section within 30 days of issuance of a notice of violation shall pay an additional fine of \$25 for each violation.
- C. Any person, firm, corporation or association, whether its principal or agent, on failure to pay said fines set forth in Subsections A and B of this section within 60 days of issuance of a notice of violation shall be arrested and prosecuted for such violation and, upon conviction for a first offense, shall be fined not more than \$100 or, in

default of payment of such fine, imprisoned for a period not to exceed five days.

- D. Notwithstanding any other provision of this article, the fine for violation of § 148-11 of this chapter, relating to handicapped parking, shall be \$75 for the first offense and \$150 for the second offense occurring within a period of two years. [Amended 11-10-1997 by L.L. No. 3-1997]

Chapter 154, WATER

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers -- See Ch. 118.

ARTICLE I, Water Rent Charges [Adopted 8-19-1991 by L.L. No. 6-1991]

§ 154-1 Establishment of charges.

The Board of Trustees of the Village of Cobleskill does hereby enact and impose a water rent charge upon the owner of each parcel of real property served or required to be served by the Village for the use of such system and water treatment plant.

§ 154-2 Water rate. [Last amended 5-20-2008 by L.L. No. 4-2008^{20EN}]

A water rent charge will be imposed at the rate of \$25.60 for the first 5,000 gallons of water charged, or fractional part thereof, and \$5.12 for each 1,000 gallons of water charged, or fractional part thereof, thereafter.

§ 154-3 Payment of charges; penalty for nonpayment. [Amended 6-21-1993 by L.L. No. 2-1993; 9-2-2008 by L.L. No. 7-2008]

The water rent charges shall be due and payable for each three-month quarter ending on the last day of March, June, September and December of each year. The Mayor is hereby authorized to direct that the water rent charge shall be due and payable monthly for any user of more than 100,000 gallons, by single meter or in any combination, in any quarter. A user shall have at least 30 days from the date upon which a statement of water charge is mailed to the user during which to pay such charge. If the water rent charge is not paid by the due date which shall appear on the bill, resulting in a past due account status, a penalty of 5% of the charge per bill shall be added thereto for each quarter or month, based on the billing cycle, until paid or until said charge becomes a tax lien as provided for herein.

§ 154-4 Tax lien. [Amended 9-2-2008 by L.L. No. 7-2008]

Any water rent charge with penalties thereon which is past due on December 1 of any

year shall be levied and charged to the real property tax on such affected parcel, and interest and penalties then shall be charged thereon at the same rate as for unpaid real property taxes. Such levy shall constitute a lien upon such real property prior and superior to any other lien or claim except for the lien of taxes then due.

§ 154-5 Statement of charges.

The Village Clerk shall render a statement of the water rent charge due for each property to the owner thereof in the month succeeding the period for which such rent is charged. Such statement may be incorporated with the statement for sewer charges, but the two charges shall be shown separately thereon. The failure of the Village Clerk to render such a statement or the failure of the property owner to receive such statement shall not affect the duty of the property owner to pay any such charge.

§ 154-6 Water rent fund.

The revenue derived from the water rent charges and penalties or interest as provided for herein shall be credited to a separate fund and used for the operation and maintenance and payment of indebtedness for the Village water system.

§ 154-7 Rules and regulations.

The Village Board of Trustees shall have the power to adopt by resolution rules and regulations in connection with the administration of this article.

ARTICLE II, Charges and Fees [Adopted 3-18-1996 by L.L. No. 2-1996]

§ 154-8 Permit required; fee.

- A. For new construction, the contractor must apply for a permit to dig and tap a water main. For first-time connections on existing buildings, the contractor must apply for a permit to dig and extend service lines into an existing building. A fee must be paid at time of application. Permits are available from the Water Department. All taps or connections to Village water mains must be done by a licensed plumber. The contractor or homeowner shall be responsible for any expenses incurred, including labor and tapping costs. The tapping charges shall be as follows:

Residential Tap on Main (inches)	Charge
3/4	\$500.00
1	\$600.00
1 1/2	\$700.00

2	\$800.00
3	\$1,000.00
4 and above	\$2,000.00

- B. Charges for taps on water mains outside of the incorporated Village. For new construction or first-time connections on existing buildings, the contractor must apply for a permit from the Water Department and pay a fee at the time of application. Fees for taps or connections outside of the Village are assessed 50% greater. The contractor or homeowner is responsible for any expenses incurred, including labor and tapping costs. All taps or connections to Village water mains must be done by a licensed plumber. The tapping charges shall be as follows:

Residential Tap on Main (inches)	Charge
3/4	\$750.00
1	\$900.00
1 1/2	\$1,050.00
2	\$1,200.00
3	\$1,500.00
4 and above	\$3,000.00

§ 154-9 Additional charges.

- A. Water rates outside of the Village are assessed 50% greater.
- B. New water service accounts outside of the Village must leave with the Village on deposit the average of two quarterly water bills. The average quarterly water bill will be determined by the Water Department.
- C. New customers must purchase water meters from the Water Department. Prices for meters are the current prices as purchased by the Water Department and are subject to change.
- D. Customers must protect water meters from freezing or extreme heat. All meters damaged will be replaced at the customer's expense. There will be a service charge of \$15, plus the additional charge for the damaged meter. No credit will be given for returned damaged meters.
- E. There will be a service charge of \$15 if the Water Department personnel are called upon to remove or install a water meter to or from storage.
- F. Users requesting service after normal working hours to connect or reconnect service shall be charged \$50 for each request. This fee is in addition to any other charges currently due and payable. [Added 4-19-2004 by L.L. No. 5-2004]

§ 154-10 Meters.

- A. Water Department personnel shall be permitted upon the premises at reasonable hours to read water meters or for the inspection of waterlines affecting the well-being of the public water supply.
- B. Water meters shall be accessible to the meter reader. Meters shall not be installed behind permanent walls or partitions. Where such conditions exist, a door or cut out of sufficient size shall be provided so as to enable the Water Department personnel to read or replace water meters.
- C. No taps or connections on service lines prior to the installation of the water meter is permitted. All such taps or connections shall be removed. Failure to do so shall result in termination of water to the customer until such time as the illegal tap or connection is corrected to the satisfaction of the Water Department.
- D. Tampering, disconnecting or otherwise affecting the proper operation of water meters so as to reduce the reading of or charges of is a crime and subject to arrest.

§ 154-11 Curb stops or valves. [Amended 1-21-2003 by L.L. No. 1-2003; 5-6-2003 by L.L. No. 5-2003]

- A. All residential curb stops or valves shall be maintained and repaired by the Village.
- B. The Water Department will maintain residential one-inch service lines from the main to the residential side of the residential curb stop or valve, including the residential curb stop or valve.
- C. Commercial property owners are responsible for maintaining fire line valves and curb valves in proper working order.

§ 154-12 Service line maintenance.

Where the Water Department is required to maintain the service line, it is understood to apply only to the repair of leaks. Service lines that are undersized, restricted as to flow or of undesirable material are to be maintained by the property owner at his or her expense.

§ 154-13 Wells.

No wells may be used as a water source in the Village of Cobleskill that are not in existence at the date of the adoption of this regulation except upon the approval of the Village Board after a showing of hardship in the case of commercial installations and a showing of extreme hardship in the case of the residential uses.

§ 154-14 Curb cock keys, valve keys and hydrant wrenches. [Added 4-19-2004 by L.L. No. 5-2004]

It is unlawful for an unauthorized person to use any curb cock key, valve key or hydrant wrench to the Village domestic water supply system. No person shall, without authority from the Village, make, construct, buy, sell or in any way dispose of any curb cock key or hydrant wrench for use on the Village domestic water supply system.

§ 154-15 Commercial fire protection bypasses. [Added 4-19-2004 by L.L. No. 5-2004]

Where it exists that a commercial establishment has a fire protection bypass system installed to an available well supply, the Village discourages unauthorized use of such bypass and sets the following regulations:

- A. That seals be applied to each installation by Water Department personnel.
- B. That the seals be examined by Water Department personnel at least twice a year.
- C. That the property owner or tenant in charge of operating the property be charged with a duty to notify the Water Department within 12 hours if such seals are broken, no matter what the reason.
- D. That if the Water Department discovers such seals to be broken and notice not given, the water bill shall be increased to 100% of the highest reading on such property historically available.
- E. That the Water Department maintain records of all such sealed installations.

Chapter 160, ZONING

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 2-20-2007 by L.L. No. 3-2007.^{21EN} Amendments noted where applicable.]

GENERAL REFERENCES

Adult use and entertainment establishments -- See Ch. 45.
Building codes administration -- See Ch. 58, Art. I.
Unsafe buildings -- See Ch. 62.
Flood damage prevention -- See Ch. 83.
Historic districts and landmarks -- See Ch. 90.
Parks and recreation areas -- See Ch. 104.
Subdivision of land -- See Ch. 135.
Trees -- See Ch. 141.

§ 160-1. TITLE, SCOPE AND PURPOSE.

§ 160-1.1. Short title.

This chapter shall be known and may be cited as the "Zoning Law of the Village of Cobleskill, New York."

§ 160-1.2. Scope.

In order to achieve the purposes hereinafter set forth, this chapter divides the Village into zoning districts and, within these districts, regulates the use of land and the location, siting, design, alteration, maintenance and occupancy of structures in the Village of Cobleskill.

§ 160-1.3. Purpose.

This chapter is enacted pursuant to Municipal Home Rule Law § 10, Statute of Local Governments § 10, and the Village Law of the State of New York, Chapter 64 of the Consolidated Laws, Article 7, and in accordance with the Village's Comprehensive Plan,

to promote public health and safety and the general welfare and specifically includes the following additional purposes:

- A. To allow for reasonable growth and development within the physical limitations of the land to assure adequate sites for housing, commercial activity, industry and public uses.
- B. To facilitate the efficient and adequate provision of public facilities and services.
- C. To promote pedestrian safety, efficient traffic circulation and adequate parking to support business activities in the Village.
- D. To promote the design and use of land and buildings to maintain the integrity of existing neighborhoods and a sense of community.
- E. To promote the retention and creation of local employment opportunities.
- F. To strengthen the position of Cobleskill as a regional economic center.
- G. To encourage flexibility in the design and development of land.
- H. To promote the most appropriate use of land.
- I. To facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of the land.
- J. To promote the protection, enhancement and use of land and buildings having special character or special historic or aesthetic interest or value.
- K. To enhance the appearance of the Village of Cobleskill as a whole.
- L. To encourage patterns of development which minimize the demand for energy.

§ 160-2. ESTABLISHMENT OF LAND USE DISTRICTS.

§ 160-2.1. Establishment and names. [Amended 4-15-2008 by L.L. No. 3-2008; 1-19-2010 by L.L. No. 1-2010]

In order to fulfill the purposes of this chapter, the Village of Cobleskill is divided into the following districts:

- RR Residential - Rural
- R-1 Residential - 1
- R-2 Residential - 2
- R-3 Residential - 3
- RMF Residential - Multifamily
- RPUD Residential Planned Use Development
- D-1
- CB Central Business
- GB General Business
- VG Village Gateway

MU 1	Mixed Use 1
MU 2	Mixed Use 2
MU 3	Mixed Use 3
LC	Land Conservation
FG	Fairgrounds
RC	Residential Cluster
C-I	Commercial-Industrial
P	Parks

§ 160-2.2. Statements of purpose.

The following statements of purpose define the spirit and intent of each land use district and are used as guides to interpret and apply these regulations:

- A. Residential districts. The purposes of the residential districts are to maintain and protect residential and neighborhood qualities while recognizing the importance of meeting the changing housing needs of Village residents; to provide for and encourage a mixture of housing types and opportunities; to provide for and encourage open spaces; to encourage the planting of shade trees and gardens; and to encourage and foster safe pedestrian and traffic circulation by establishing options for the provision of off-street parking.
- B. Central Business (CB). The purposes of the Central Business District are to promote the traditional role of downtown as a focus for residential, commercial, governmental and social activity by providing for a mixture of land uses; to promote pedestrian use of downtown and enhance the use of the downtown area as the center of community activity; to promote the physical and economic revitalization of downtown; to promote retail sales and attract visitors; and to encourage energy conservation by placing residences close to goods and services. The Central Business District encourages and provides for a vertical mix of uses within structures.
- C. General Business (GB). The purposes of the General Business District are to provide opportunities for commercial growth in the business district, to encourage the preservation of existing structures, and to provide a desirable visual character for the General Business District. The General Business District functions as a transition district between the more intensive Village Gateway and Central Business Districts and residential districts, so that future developments maintain and enhance the traditional village streetscape, planning and development promote the goal of mixed business and residential uses in the business district, developments enhance the pedestrian atmosphere and streetscape of the neighborhood and traffic impacts of new developments are minimized to the maximum extent practicable.
- D. Village Gateway (VG). The purposes of the Village Gateway District are to provide areas for intensive retail development which require greater land areas than could be

provided in other districts and to provide a variety of retail uses to meet the needs of the community in a manner which enhances Village character and the pedestrian and vehicular network.

- E. Mixed Use (MU 1, MU 2 and MU 3). The purpose of the Mixed Use Districts is to provide for commercial and mixed development locations within the Village while protecting the primarily residential character of the neighborhoods. The Mixed Use District 2, located along MacArthur Avenue, has the same purpose as all other areas designated as Mixed Use District 1, except that this area has different dimensional standards. The Mixed Use District 3, located on the north side of West Main Street, has the same purpose as all other areas designated as Mixed Use District 2, except for different dimensional standards and slight differences in permitted uses. [Amended 1-20-2009 by L.L. No. 1-2009]
- F. Land Conservation (LC). The purposes of the Land Conservation District are to preserve and protect sensitive natural areas from inappropriate development which would pose a health and safety hazard; to encourage use of these areas as scenic and recreational resources; and to restrict development within the floodway area of the Village.
- G. Fairgrounds (FG). The purpose of the Fairgrounds District is to provide the maximum level of flexibility of use and activities within the district independent of regulatory requirements applicable to the rest of the Village.
- H. Residential cluster (RC). Housing units shall be clustered to allow for the preservation of open space, the protection of ecological habitats and the preservation of agricultural land while meeting the community needs for residential development.
- I. Commercial-Industrial (C-I). The purposes of the Commercial-Industrial District are to protect the integrity of residential areas and to promote flexibility within the newly created zoning district to allow office use and to provide for the special need of industrial uses for relatively flat land.
- J. Parks (P). The purpose of the Parks District is to provide for scenic and recreational resources operated by the municipality.
- K. Residential Planned Use Development District-1 (RPUDD-1). The purpose of the Residential Planned Use Development District-1 is to encourage the development of integrated residential neighborhoods consistent with other residential areas within the Village of Cobleskill while allowing a reasonable level of flexibility in neighborhood design and in the mix of housing stock included in any proposed development. The RPUDD-1 is intended for areas of 10 acres or more that are appropriate for development as a single integrated residential development. [Added 4-15-2008 by L.L. No. 3-2008]

§ 160-2.3. Land Use District Map.

The boundaries of districts established by §§ 160-2 and 160-3 are shown on the maps entitled "Zoning Map, Village of Cobleskill, Schoharie County, New York," "Historic Overlay District, Village of Cobleskill Zoning Law," "Combined Residential Business Overlay District, Village of Cobleskill Zoning Law" and "Flood Hazard Overlay District, Village of Cobleskill Zoning Law," as adopted by the Village Board. The Zoning Map, Historic Overlay District Map, Combined Residential Business Overlay District Map, and Flood Hazard Overlay District Map, including all explanatory matter and amendments,

are adopted as an integral part of this chapter. Regardless of the existence of other printed copies of these maps, which from time to time may be made or published, the official maps, which shall be located in the Village offices, shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the Village. The maps shall be available in the Village offices for the use and benefit of the public.

§ 160-2.4. Interpretation of district boundaries.

In applying the provisions of this chapter, the following guidelines shall be used to determine the location of district boundaries:

- A. Where district boundaries are indicated as approximately following the center lines of streets, highways, public utility easements, waterways or railroad rights-of-way or such lines extended, such center lines shall be construed to be district boundaries.
- B. Where district boundaries are indicated as approximately following the lot line, such lot lines shall be construed to be the district boundary line. In all cases where a district boundary line is located no farther than 15 feet from a lot line, the district boundary shall be construed to coincide with the lot line.
- C. In all cases where a district boundary line divides a lot in one ownership and more than 50% of the area of the lot lies in the less restrictive district, the regulations prescribed by this chapter for the less restrictive district shall apply to such portion of the more restricted portion of the lot which lies within 30 feet of the district boundary. The regulations for the more restrictive district shall apply to the portion beyond the thirty-foot area. For purposes of this section, the Residential - Rural (RR) District is more restrictive than the Residential - 1 (R-1) District, the Residential - 1 (R-1) District is more restrictive than the Residential - 2 (R-2) District, etc., and residential districts are more restrictive than business or industrial districts.
- D. In all other cases where dimensions are not shown on the map, the Zoning Board of Appeals, under the provisions of § 160-16, Zoning Board of Appeals, shall determine the location of boundaries.

§ 160-2.5. Application of district regulations.

- A. With respect to slopes, soils, existing mature trees, wetlands, flood-prone areas and other natural constraints, a site plan showing each lot, yard and structure shall be designed with minimum site disturbances and capable of accommodating those permitted and customary accessory uses meeting the area and bulk regulations required for the district according to § 160-5, Area and Bulk Regulations, in this chapter.
- B. Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building complying with local laws of the Village of Cobleskill in force prior to the effective date of this chapter, if:
 - (1) A building permit was issued before the date of the first publication of notice of the public hearing on this chapter; and
 - (2) The owner and/or applicant can demonstrate that substantial improvements have been made and/or substantial expense has been incurred prior to the effective date of this chapter.

§ 160-3. OVERLAY DISTRICTS.

§ 160-3.1. Combined Residential Business Overlay District.

- A. The purpose of the Combined Residential Business Overlay District is to allow a mix of uses for new buildings or conversion of existing buildings for a mix of office/service/small retail and residential uses either within a structure or in adjacent and neighboring structures. Mixed uses will be allowed, provided that impacts to surrounding residences and the residential neighborhood are minimal.
- B. Criteria for new uses or conversions to mixed uses:
 - (1) Where the base district is residential, mixed use structures shall be similar in scale and resemble single-family residential units. When an existing residential building is converted to commercial use, the exterior residential facade shall be maintained.
 - (2) Off-street parking shall be in the rear of the building. If the only feasible alternative to rear yard parking is to place it at the side of the building, the parking lot shall be totally screened from the street. In no case shall parking be permitted in the front yard. All other requirements in this chapter for parking shall be followed.
 - (3) Sidewalks shall be required and shall extend the full length of the frontage of the property.
- C. Exterior lighting, except for safety lighting for steps, entryways and walkways, shall be turned off from 10:00 p.m., or at close of business, whichever is earlier, to 6:00 a.m. Only fully shielded light fixtures shall be used. Illumination from light fixtures shall not exceed 0.1 footcandle on adjacent properties. No luminaire shall exceed a maximum of 12 feet in height.
- D. Traffic impacts shall be minimized.

§ 160-3.2. Historic Overlay District.

The Planning Board shall not grant final site plan approval on property within the Historic District prior to final approval by the Village Historic District Review Commission, in accordance with Chapter 90 of this Code.

§ 160-3.3. Flood Hazard Overlay District.

The Planning Board shall not grant final site plan approval on property within the Flood Hazard Overlay District prior to final approval by the Village Floodplain Administrator, in accordance with Chapter 83 of this Code.

§ 160-4. USE REGULATIONS.

§ 160-4.1. Conformance with use regulations required; general performance standards.

- A. After the effective date of this chapter, no land or structure shall be used, occupied, erected, moved or altered unless in conformance with the regulations and use

guidelines specified below.

- B. The following general performance standards shall apply to all uses:
- (1) No offensive or objectionable vibration, noise or glare shall be noticeable at or beyond the property line.
 - (2) No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause to persons or property in the same or in an adjacent district.
 - (3) No material of any nature which may contaminate any water supply shall be discharged into any stream or body of water or any public or private disposal system or into or onto the ground surface.
 - (4) No materials may be stored either indoors or outdoors in such a manner to facilitate the breeding of vermin or to endanger health.
 - (5) No emissions of smoke, fly ash, dust or other airborne material which can cause damage to the health of persons, animals, or plant life or to other forms of property are permitted. This provision is not intended to regulate or prohibit the customary use of residential fireplaces, woodburning stoves, coal-burning stoves or smokehouses.
 - (6) Ventilation equipment. All heating/ventilation/air-conditioning (HVAC) equipment and restaurant ventilation equipment for ovens, grills and dishwashers shall be located and directed in a manner that will not impact upon adjacent properties or the general public. Restaurant ventilation equipment shall be cleaned at regular intervals to eliminate odors and fire hazards.

§ 160-4.2. Schedule of Use Regulations. ^{22EN}

§ 160-4.3. Prohibited uses.

The following uses are prohibited in all districts within the Village of Cobleskill:

- A. Junkyards or landfills.
- B. Rendering plants for animal products.
- C. The manufacture or storage of explosives or fireworks.
- D. Drive-in theaters.
- E. Crematoria.
- F. Construction and operation of outdoor woodburning furnaces. [Added 3-20-2007 by L.L. No. 6-2007]

§ 160-4.4. Use regulations specific to all commercial districts.

- A. Uses shall be allowed only as described in the Schedule of Use Regulations. ^{23EN}
- B. If not expressly "permitted," the use shall be allowed only:
 - (1) Upon compliance, as judged by the CEO, with additional standards; or
 - (2) Upon the issuance of a special use permit (§ 160-6).
 - (3) Upon the approval of the Planning Board, based upon review of a site plan (§ 160-7).
- C. Accessory uses. Uses customarily incidental to principal uses shown on the Schedule of Use Regulations shall be allowed on the same terms as the principal use, except as indicated in the Schedule of Use Regulations.

D. Change in use.

- (1) A new site plan review and/or new special use permit is required under any of the following circumstances:
 - (a) A change of use from one use category to another use category as described in the Schedule of Use Regulations.
 - (b) A change in the existing use beyond the scope of its original permitted or approved use.
 - (c) An existing use requires a new (not a renewal) permit from any governmental agency.
 - (d) A change in the existing use that requires a building permit for construction or enlargement of a structure exceeding 25% of the use's original square footage.
 - (e) Rebuilding or replacement of more than 25% of the original square footage, on the same footprint of any structure, for an existing use which requires site plan review or a special use permit, in order to bring the new structure into conformance with this chapter.
 - (f) The clearing, excavation or grading of more than 800 square feet of land.
 - (g) The addition of four or more parking spaces.
- (2) A change solely of ownership or tenancy shall not be considered a change of use.

E. A special use permit shall apply only to the use for which it was granted.

§ 160-4.5. Structures with multiple floors.

For structures in all commercial areas, the second or higher floors, if present, may contain either apartment dwellings or commercial office uses.

§ 160-4.6. Unlisted uses.

- A. Any use not listed in the Schedule of Use Regulations is prohibited.
- B. Uses permitted by use variance (§ 160-16).
 - (1) Any use that has been allowed in any district only by use variance shall be subject to the review and standards that are established for any district in which that use is allowed.
 - (2) If a use is prohibited in all districts and allowed only by the granting of a use variance, then it shall be required that a special use permit be obtained and that a site plan review be conducted.

§ 160-5. AREA AND BULK REGULATIONS.

§ 160-5.1. General provisions.

- A. After the effective date of this chapter, no use shall be commenced nor shall any building or structure or part thereof be erected, structurally altered, enlarged, rebuilt or moved except in conformance with the provisions of the Schedule of Area and Bulk Regulations (§ 160-5.2) for the district in which such use, building or structure is located.

- B. The area required for compliance with the minimum open space requirements for a principal use or structure, including yards and setback areas, shall not be counted as providing required open space for any other use or structure.
- C. A new lot or lots may be created through subdivision or combination of an existing lot or lots, provided that all resulting lots comply with the area and bulk regulations established in this chapter and also comply with the Village Subdivision Law.
- D. The following shall be exempt from the height requirements of this chapter, provided that they do not constitute a public safety hazard:
 - (1) Steeples.
 - (2) Belfries.
 - (3) Radio or television antennas (other than dish antennas) customary to residential uses.
 - (4) Cupolas, towers or similar architectural features.
 - (5) Fire towers.
 - (6) Chimneys.
 - (7) Elevator bulkheads.
 - (8) Flagpoles.
 - (9) Smokestacks.
 - (10) Official police and fire radio antennas.
- E. Corner lots. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be the rear yard and the other(s), the side yard(s).
- F. Through lots. On a through lot, front yards are required at all street lines.

§ 160-5.2. Schedule of Area and Bulk Regulations for Residential Uses and for Nonresidential and Commercial Structures. [Amended 3-20-2007 by L.L. No. 5-2007]

A. Tables of bulk standards. [Amended 4-15-2008 by L.L. No. 3-2008]

(1) Residential uses.

- (a) RR, RC, R-1, R-2, R-3, RMF, CBD, GB, MU 1, MU 2 and MU 3 Districts.
[Amended 1-19-2010 by L.L. No. 1-2010]

District	Use	Lot Area per Dwelling Unit (square feet)(1)	Lot Width (feet)(1)	Front Yard Measured From Curbline (minimum/ maximum feet)(2)(3)	Side Yard (feet) (4)	Rear Yard (feet)	Maximum Building Height (minimum/ maximum feet)(5)
RR	Single-family	1 acre	150	50	30	35	30
	Manufac- tured housing park			See special use permit			
RC		See Subsection B, following these tables	75	24/55	10/30	25	10/30
R-1	Single-family	12,000	90	30/55	10/30	25	10/30
R-2	Single-family	7,500	75	30/55	8/24	25	10/36

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	Two-family	5,000	90	30/55	8/24	25	10/36
R-3	Single-family	7,500	75	30/55	8/24	25	10/36
	Two-family	5,000	90	30/55	8/24	25	10/36
	Three- or four-family	3,500	100	30/55	8/24	20	10/36
	Rooming/ boarding	3,000	90	30/55	8/24	25	10/36
RMF	Single-family	6,000	60	25/50	8/24	20	10/36
	Two-family	4,250	80	25/50	8/24	20	10/36
	Multiple- family	3,500	100	25/50	8/24	20	10/36
	Rooming/ boarding	3,000	90	25/50	8/24	25	10/36
CBD	Multiple- family	--	--	--	--	--	24/50
	Rooming/ boarding	--	--	--	--	--	24/50
GB	Single-family	7,500	75	24/36	8	8	12/36
	Two-family	5,000	80	24/36	8	8	12/36
	Rooming/ boarding	2,250	--	--	--	--	--
MU 1	Dwelling unit	1/2 acre	70	24/36	10	25	10/24
MU 2	Dwelling unit	1/4 acre	50	15/25	8	25	10/24
MU 3	Any	3,000	90	30/55	8/24	25	10/36

NOTES:

- (1) Construction may be permitted on a lot narrower than called for herein and existing prior to the adoption of this chapter, provided that such lot is not adjoined at the side by other unoccupied land in the same ownership; the lot has a minimum area of 6,000 square feet; and the lot has a width at the building line of not less than 60 feet.
 - (2) Where the average setback of the nearest main buildings within 100 feet of each side of the subject building and fronting the same side of the street is less than the minimum specified, the setback shall match the setback of the existing buildings. Such average setback shall be the required minimum setback. Where buildings do not exist within 100 feet of any proposed structure, the minimum specified herein shall apply.
 - (3) Porticos, porches, balconies, stoops, open porches, bay windows, raised dooryards or patios may extend into the front yard no more than six feet. There must be a five-foot distance between the curb and the sidewalk, a five-foot-width sidewalk, and the remaining space between the sidewalk and the building structure shall be reserved for landscaping and street furniture. An accessory use located on the same lot shall comply with the standards as specified above, except that detached accessory buildings may be permitted to be placed in excess of the thirty-six-foot maximum front yard setback in order to move the accessory structure to the rear of the lot.
 - (4) There shall be two side yards with a minimum width/maximum width as specified.
 - (5) Maximum height of building is measured to the highest point of the facade facing the street.
- (b) RPUDD-1 District.

District	Uses	Density	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Front Yard Minimum Setback (feet)	Side Yard Minimum Combined Setback (feet)	Rear Yard Setback (feet)	Minimum/ Maximum Height (feet)
RPUDD-1	Townhome dwelling	(1)	None - setbacks shall govern	None - no lots; common owned property	25 min/50 max ⁽²⁾	24	25	15/36
	Multifamily dwelling		None - setbacks shall govern	None - no lots; common owned property	30	24	25	15/50 ⁽³⁾
	Single-family dwelling		7,500	75	30	8/24	25	15/36

NOTES:

- (1) The overall average density of the project shall be two dwelling units per acre.
- (2) Planning Board may adjust setback when field conditions dictate variability while maintaining a visual building line.
- (3) No more than three eleven-foot floors of habitable space to the eave line, plus 17 feet for the roof; total maximum height 50 feet measured from the highest point of grade immediately adjacent to the building.

- (2) Nonresidential and commercial structures. [Amended 1-19-2010 by L.L. No. 1-2010]

District	Lot Area (square feet) ⁽¹⁾	Lot Width (feet) ⁽¹⁾	Front Yard Measured From Curbline (minimum/ maximum feet) ⁽²⁾⁽³⁾	Side Yard (feet) ⁽⁴⁾	Rear Yard (feet)	Maximum Building Height (minimum/ maximum feet) ⁽⁵⁾	Maximum Building Frontage/ Maximum Between Facade Breaks (feet)
RR	1 acre	200	100	100	100	30	--
R-1	1 acre	150	30/55	50	50	30	80/40
R-2	1 acre	150	30/55	50	50	30	80/40
R-3	1 acre	150	30/55	50	50	30	80/40
RMF	1 acre	150	30/55	50	50	30	80/40
CBD	--	--	--	--	--	50	24/50

GB	7,500	75	24/36	8	8	24/36	80/40
VGD	50,000	200	80	30	50	30	80/40
MU 1	1 acre	100	24/36	30	30	30	80/40
MU 2	1/2 acre	50	15/25	15	30	24	50/50
MU 3	1/2 acre	50	15/25	15	30	24	80/20
C-I	--	--	50/75	50	15	75	--
LC	--	150	75	50	50	35	--
Agricultural uses in all districts	100,000	--	--	--	--	%%'entity-mdash'%%	--
Accessory agricultural uses in all districts	NA	NA	50/75	10/30	25	30	--

All nonresidential uses in all nonresidential districts: lot coverage shall not exceed 70%.

All nonresidential uses in all residential districts: lot coverage shall not exceed 50%.

NOTES:

- (1) Construction may be permitted on a lot narrower than called for herein and existing prior to the adoption of this chapter, provided that such lot is not adjoined at the side by other unoccupied land in the same ownership; the lot has a minimum area of 6,000 square feet; and the lot has a width at the building line of not less than 60 feet.
- (2) Where the average setback of the nearest main buildings within 100 feet of each side of the subject building and fronting the same side of the street is less than the minimum specified, the setback shall match the setback of the existing buildings. Such average setback shall be the required minimum setback. Where buildings do not exist within 100 feet of any proposed structure, the minimum specified herein shall apply.
- (3) Porticos, porches, balconies, stoops, open porches, bay windows, raised dooryards or patios may extend into the front yard no more than six feet. There must be a five-foot distance between the curb and the sidewalk, a five-foot-width sidewalk, and the remaining space between the sidewalk

and the building structure shall be reserved for landscaping and street furniture. An accessory use located on the same lot shall comply with the standards as specified above, except that detached accessory buildings may be permitted to be placed in excess of the thirty-six-foot maximum front yard setback in order to move the accessory structure to the rear of the lot.

- (4) There shall be two side yards with a minimum width/maximum width as specified.
- (5) Maximum height of building is measured to the highest point of the facade facing the street.

B. Density standards in the Residential Cluster District.

- (1) The density standard for all uses in the Residential Cluster District shall be two acres per principal dwelling unit, but no individual lot that does not exist prior to enactment of this chapter shall be larger than 0.5 acre.
- (2) The density standard is the minimum developable land area required per principal dwelling unit within the Residential Cluster District.
- (3) A new lot or lots may be created through subdivision or combination of an existing lot or lots, provided that all resulting new lots comply with the density standard. The preexisting lot from which new lots are subdivided may exceed the maximum lot size defined herein.
- (4) For the purpose of calculating the density, the following shall be excluded from the area of the land under consideration:
 - (a) Wetlands, as defined by the standards of the U.S. Army Corps of Engineers, regardless of size.
 - (b) Land within 150 feet of a protected stream as defined by NYSDEC.
 - (c) Land within any floodway, floodplain or flood hazard area, as defined by the federal Flood Insurance Program.
- (5) The density standard shall be satisfied as follows:
 - (a) The commitment of land to an irrevocable conservation easement or land conservation trust, dedication to and acceptance by the state, county, town or Village as publicly owned or park land, or other legally enforceable mechanism that guarantees permanent and irrevocable removal of sufficient land area otherwise suitable for development purposes from any and all future development, such that the average area per principal dwelling unit is equal to or greater than the density standard.
 - (b) Such irrevocable removal of land from development shall be subject to the approval of the Planning Board in consultation with the Village Attorney as to form and substance of the legal mechanism, conditions on use of such land, and area and location of such land.
 - (c) If the conservation easement, trust, dedication or other legal mechanism subject to Planning Board review and approval involves a subdivision subject to the Village Subdivision Law, said review and approval shall be conducted simultaneously with subdivision review and approval.
 - (d) If the conservation easement, trust, dedication or other legal mechanism

subject to Planning Board review and approval involves a use subject to Site Plan Review, said review and approval shall be conducted simultaneously with Site Plan Review.

- (e) If the conservation easement, trust, dedication or other legal mechanism subject to Planning Board review and approval involves a use subject to neither the Village Subdivision Law nor site plan review, the property owner shall apply directly to the Planning Board for independent review, and approval shall be a condition for issuance of the zoning permit pursuant to this chapter.
- (6) Land irrevocably removed from any and all future development for purposes of satisfying the density standard may be used for any of the following purposes:
 - (a) Agriculture, farming, pasture, woodlands, or related uses not including new dwelling units or structures.
 - (b) Active or passive outdoor recreation not including new dwelling units or structures.
 - (c) Individual or combined septic systems, leach fields or other subsurface sanitary disposal systems.
 - (d) Unused or vacant land, either maintained or nonmaintained.
- (7) The area required for complying with setback requirements or the density standard for any principal dwelling unit, as defined herein, shall not be counted as providing required open space, land area, or setback for any other use or structure.

§ 160-6. SPECIAL USE PERMITS.

§ 160-6.1. Purpose; applicability.

The policy of the Village is to allow for a variety of uses of land to occur in the same neighborhood or zoning district so long as such uses do not adversely affect each other or neighboring properties, the natural environment or the rural, small-scale character of the Village. Accordingly, pursuant to Village Law § 7-725-b, the Board of Trustees hereby authorizes the Planning Board to grant special use permits. The special use permit process helps to ensure that the particular use fits into the neighborhood and is in harmony with the goals of this chapter and the Comprehensive Plan. In all instances where a special use permit is required, a site plan shall also be required to ensure that components of the site and site layout, such as buildings, parking lots and landscaping, conform to requirements of this chapter. The Planning Board shall ensure a coordinated review of the site plan and special use permit review of the application.

§ 160-6.2. Application submission requirements; approval; amendments; expiration; area variances; waiver.

A. Application.

- (1) An applicant for a special use permit shall submit:
 - (a) An application form, available from the Code Enforcement Officer.
 - (b) A site plan as described in § 160-7 of the Zoning Law of the Village of

Cobleskill.

- (c) A narrative report describing how the proposed use will fit into the character of the surrounding area.
- (d) An environmental assessment form (EAF) or draft environmental impact statement (DEIS).
- (e) The application fee, as established by the Village Board of Trustees.
- (f) A completed affidavit of mailing Notice stating that notice has been mailed to owners of all properties within 200 feet of the proposed use.
- (2) Special use permits and site plan review. The Planning Board shall, to the extent practicable, procedurally combine the review processes and prevent a duplication of application requirements. The Planning Board shall prepare a combined site plan review/special use permit application for this purpose.

B. Procedure.

(1) Application.

- (a) Applications for a special use permit shall be submitted to the Secretary of the Planning Board, on forms prescribed by the Village, at least seven business days prior to the next regularly scheduled meeting of the Planning Board. If an application is for a parcel or parcels on which more than one use requiring a special use permit is proposed, the applicant is encouraged to submit a single application for all such uses. For purposes of State Environmental Quality Review Act (SEQRA) compliance, all proposed uses on a single parcel or on contiguous parcels shall be considered together. The Planning Board shall accept one set of sketch plans for a coordinated site plan review and special use permit.
- (b) Applicants for special use permits are encouraged to meet informally with the Planning Board prior to formal application.
- (2) Determination of complete application. The Planning Board shall determine whether an application for a special use permit is complete in accordance with the provisions of § 160-6.2B(3) below. If the Planning Board determines that an application for a special use permit is incomplete, it shall notify the applicant of the same, in writing, with a list of items that the Planning Board deems necessary for a complete application.
- (3) SEQRA compliance.
 - (a) Upon receipt of completed application materials, the Planning Board shall initiate the New York State Environmental Quality Review (SEQR) process by either circulating the application and environmental assessment form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days.
 - (b) Before determining whether an application for a special use permit is complete, the Planning Board shall decide whether [under the State Environmental Quality Review Act (SEQRA), Environmental Conservation Law Article 8 and Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, or 6 NYCRR Part 617] the application requires the preparation of an environmental impact statement (EIS). No application for a special use permit shall be deemed complete until
 - 1) a "negative declaration" (the Board's determination that the project does

not have any potentially significant adverse environmental impacts) has been issued or 2) a draft EIS has been accepted by the Planning Board or the lead agency as satisfactory with respect to scope, content and adequacy. In making a determination of "significance," the Planning Board shall follow the procedures described in 6 NYCRR 617.6 and 617.7. With respect to the preparation of the environmental assessment form (EAF), the applicant shall submit the EAF with Part I completed; the Planning Board shall complete Part II and Part III, if required, prior to making a determination of significance. Where the Planning Board has prepared or caused to be prepared a draft EIS and the draft EIS has been accepted as satisfactory with respect to scope, content and adequacy, the time frames for review of the application and decisionmaking shall be governed by 6 NYCRR 617.9 and 617.11 (or any successor regulations) in place of the time frames specified in this § 160-6.

- (4) Referral to County Planning and Development Agency.
 - (a) Pursuant to the General Municipal Law § 239-m, the Planning Board shall refer to the Schoharie County Planning and Development Agency, at least 10 days before a hearing is scheduled, any application for a special use permit affecting real property within 500 feet of the boundary of the Village of Cobleskill, the boundary of any existing or proposed county or state park or other recreational area, the boundary of any existing or proposed county or state roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the county for which the county has established channel lines, or the boundary of any existing or proposed county- or state-owned land on which a public building or institution is situated.
 - (b) No action shall be taken on applications referred to the County Planning and Development Agency until its recommendation has been received or 30 days have elapsed after its receipt of the complete application, unless the county and the Village agree to an extension beyond the thirty-day requirement for the County Planning and Development Agency's review.
 - (c) If the County Planning and Development Agency recommends modification or disapproval of a proposed action, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one vote of all members thereof. Within 30 days after final action on a special use permit application, the Planning Board shall also file a report on its action with the County Planning and Development Agency. If the Planning Board acts contrary to a recommendation or modification or disapproval of a special use permit application, it shall set forth the reasons for the contrary action in the report.
- (5) Notice and public hearings.
 - (a) The Planning Board shall hold a public hearing within 62 days from the date it determines that the application is complete unless it has issued a positive declaration under the State Environmental Quality Review Act. The hearing on an application that has been the subject of a positive declaration under the State Environmental Quality Review Act shall commence no less than 15

days and no more than 60 days after the filing of the notice of completion of the draft environmental impact statement.

- (b) Pursuant to Village Law § 7-725-b, Subdivision 7, the Planning Board shall mail notice of the hearing to the applicant and the County Planning and Development Agency at least 10 calendar days before the hearing and shall give public notice of the hearing in a newspaper of general circulation at least 10 days prior to the date of such public hearing. Where the Planning Board has prepared or caused to be prepared a draft EIS, the notice of public hearing shall be published at least 14 calendar days in advance of the public hearing.
- (c) Pursuant to General Municipal Law § 239-nn, notice of the public hearing shall be given by mail or electronic means to the Clerk of the adjacent municipality at least 10 days prior to the commencement of the hearing.
- (6) Action on applications.
 - (a) The Planning Board shall grant or deny, or grant subject to conditions, the application for a special use permit within 62 days following the close of the public hearing unless the application has been the subject of a final environmental impact statement. If the application has been the subject of a final environmental impact statement, then the Planning Board shall render its decision within 30 calendar days after the filing of the final environmental impact statement. The decision shall contain written findings explaining the rationale for the decision as described below. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.
 - (b) After reviewing an application for a special use permit, the Planning Board shall make specific written findings that the proposed project will:
 - [1] Comply with the standards for specific uses (§ 160-6) and will be consistent with the purposes of the zoning district in which it is located and the general purposes of this chapter.
 - [2] Not result in excessive off-premises noise, dust, odors, solid waste or glare or create any public or private nuisances.
 - [3] Not cause significant traffic congestion, impair pedestrian safety or overload existing roads, considering their current width, surfacing and condition.
 - [4] Be accessible to fire, police and other emergency vehicles.
 - [5] Not overload public water, drainage or sewer systems or any other municipal facilities.
 - [6] Be suitable for the property on which it is located considering the size of the property, location, topography, vegetation, soils and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.
 - [7] Be subject to such conditions on appearance, design and layout of structures, provision of buffer areas and operation of use as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic and visual resources of the Village of Cobleskill.
 - [8] Be consistent with the goals of its respective zoning district.

- [9] Comply with any applicable site plan review criteria.
- (7) In order to obtain approval for a special use permit, the applicant must demonstrate that it has met all of the criteria for issuing a special use permit set forth in this § 160-6.
- C. Amendments. The terms and conditions of any special use permit may be amended only by following the procedures set forth in § 160-18 of the Zoning Law of the Village of Cobleskill.
- D. Expiration and enforcement. A special use permit shall be deemed to authorize only the particular special use or uses permitted and shall expire if the special use or uses shall cease for more than 12 consecutive months for any reason or if the applicant fails to obtain the necessary building permit or fails to comply with the conditions of the special use permit within 12 months of its issuance.
- E. Area variances. Where a proposed special use permit contains one or more features that do not comply with the dimensional regulations of the zoning district, the applicant for the special use permit may apply to the Zoning Board of Appeals for an area variance pursuant to § 160-16, Zoning Board of Appeals, of the Village of Cobleskill Zoning Law without the necessity of a decision or determination of the Code Enforcement Officer.
- F. Waiver. Pursuant to Village Law § 7-725-b, Subdivision 5, the Planning Board is authorized to waive requirements for approval of special use permits, when such waiver would be reasonable. Any such waiver may be exercised in the event any such requirements are found not to be in the interest of the public health, safety or general welfare and inappropriate to a particular special use permit. Without limitation, the authorization to grant waivers does not include authority to waive use or dimensional requirements otherwise required by the Zoning Law or any requirements outside of requirements specific to a special use permit.

§ 160-6.3. Standards for adult entertainment.

- A. To determine whether a "substantial portion" of a business includes an adult bookstore, adult eating or drinking business, adult theater or other adult commercial establishment or combination thereof, the following factors shall be considered:
- (1) The amount of floor area and cellar space accessible to customers and allocated to such uses; and
 - (2) The amount of floor area and cellar space accessible to customers and allocated to such uses compared with the total floor area and cellar space accessible to customers in the establishment.
- B. To determine whether a bookstore has a "substantial portion" of its stock in materials, the following factors shall be considered:
- (1) The amount of such stock accessible to customers compared with the total stock accessible to customers in the business; and
 - (2) The amount of floor area and cellar space accessible to customers containing such stock; and
 - (3) The amount of floor area and cellar space accessible to customers containing such stock compared with the total floor area and cellar space accessible to customers in the establishment.
- C. Location of adult use.

- (1) The structure housing an adult use and any accessory use/structure shall not be allowed:
 - (a) Within 100 feet of the property line of a parcel used for residential purposes in the Village;
 - (b) Within 750 feet of the property line of a parcel containing a church, synagogue, other place of worship, active cemetery, library, school, licensed day-care facility, park, playground, post office, Village office, state/federal/county office, nursing home, adult home, or hospital, whether or not such use is located in the Village or outside the Village's territorial limits;
 - (c) On the same parcel as another adult use and entertainment establishment; or
 - (d) Within 750 feet of the property line of another adult use and entertainment establishment, whether or not such use is located in the Village.
 - (2) The above distances of separation shall be measured from the nearest exterior wall or corner of the structure containing the adult use and entertainment establishment.
- D. Such use and parking area shall be adequately fenced and/or buffered (landscaping/berms) for screening from any adjacent property, and lighting shall be directed away from adjacent property and public highways.
- E. Parking shall be located in the side or rear yard, and no parking space may be located less than 50 feet from any property line.
- F. Any structure containing the adult use and entertainment establishment and any accessory structure shall have a residential appearance similar to existing dwelling units (excluding manufactured homes) in the Village of Cobleskill. Building design shall avoid areas of blank wall sections.
- G. All adult uses and entertainment establishments shall be conducted in an enclosed building. It shall be a violation to display or exhibit (in the open air, through a window, or by means of a sign depiction or decoration), or to allow to be displayed or exhibited, any specified anatomical area or specified sexual activity.
- H. Nonconforming adult use and entertainment establishments.
- (1) In all districts where adult use and entertainment establishments as defined herein are not a permitted use, a nonconforming adult establishment shall terminate within one year from the effective date of this amendment or from such later date that the adult bookstore or entertainment establishment becomes a nonconforming use, except that such establishment may be continued for a limited period of time by the Zoning Board of Appeals as described below.
 - (2) The Zoning Board of Appeals may permit any nonconforming adult bookstore or entertainment establishment or any nonconforming accessory business use to continue for a limited period of time beyond that provided for in this chapter, provided that:
 - (a) The owner of such establishment makes an application to the Zoning Board of Appeals at least 120 days prior to the date on which such establishment must terminate.
 - (b) Board findings.
 - [1] The Board shall find, in connection with such establishment:
 - [a] The applicant had made, prior to the nonconformity, a substantial financial expenditure related to the nonconformity; and

[b] The applicant has not recovered substantially all of the financial expenditures related to the nonconformity; and

[c] The period for which such establishment may be permitted to continue is the minimum period sufficient for the applicant to recover substantially all of the financial expenditures incurred related to the nonconformity.

[2] For the purposes of this section, "financial expenditures" shall mean the capital outlay made by the applicant to establish the adult establishment exclusive of the fair market value of the building in which such use is located and exclusive of any improvements unrelated to the nonconforming adult entertainment establishment.

I. Penalties for offenses.

- (1) Any person, firm, corporation or entity found to be violating any provisions of this section shall be served with a written notice by the Code Enforcement Officer, or his/her designee, stating the nature of the violation and providing for immediate correction thereof. Such notice shall be served by one of the following methods:
 - (a) By personal service;
 - (b) By certified mail, return receipt requested, addressed to his or its last known address as shown on the latest completed assessment roll of the Village of Cobleskill; or
 - (c) By posting of such notice in a conspicuous place upon the premises affected and a copy thereof mailed, addressed to his or its last known address as shown on the latest completed assessment roll of the Village of Cobleskill.
- (2) Any person, firm, corporation or entity that shall violate any portion of this chapter shall be guilty of a violation and, upon conviction thereof, shall be fined in an amount not to exceed \$500 for each violation. The continuation of a violation of the provisions of this chapter shall constitute, for each day the violation is continued, a separate and distinct offense hereunder.
- (3) The owner and/or any occupant and/or any tenant and/or general agent of a building, premises or part thereof where such a violation has been committed or does exist shall be guilty of such an offense.
- (4) Any person, firm, corporation or entity violating any of the provisions of this chapter shall become liable to the Village for any expense or loss or damage occasioned the Village by reason of such violation.
- (5) The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceedings to prevent a violation of this chapter or to restrain or enjoin the use or occupancy of a building, premises or part thereof in violation of this chapter.

§ 160-6.4. Standards for mobile homes.

A. Permanent mobile home. No permanent mobile home shall be located within the Village of Cobleskill unless located in an approved mobile home park or on a farm.

B. Mobile home parks.

- (1) It shall be unlawful to construct or operate a mobile home park without first securing a special use permit pursuant to this section.

- (2) Every mobile home park shall contain at least two sites.
- (3) Any special use permit issued for the construction or operation of a mobile home park shall be issued for a period not to exceed one year. The special use permit shall be eligible for renewal upon expiration, provided that the subject mobile home park has been constructed and operated in compliance with its previous permit.
- (4) Enlargement of an existing mobile home park shall be subject to the same procedures and requirements as a new mobile home park development.
- (5) The original application for the special use permit shall be submitted to the Code Enforcement Officer and shall be accompanied by a fee to be determined by the Village Board. Thereafter, each home shall be assessed on the tax rolls of the Village of Cobleskill against the owner of the mobile home park and/or the qualified homeowners applying for either a senior or veterans exemption under the Real Property Tax Law, as appropriate.
- (6) Purposes of the special use permit process as applied to mobile home parks:
 - (a) To promote the health, safety, protection and general welfare of the residents of the Village of Cobleskill, including those living in mobile homes.
 - (b) To provide for review and approval of the site design of all mobile home parks proposed for the Village of Cobleskill prior to their construction or expansion.
 - (c) To establish appropriate supplemental standards and regulations for the design and operation of mobile home parks.
 - (d) To assure that the standards for operation of the mobile home park are maintained through required annual renewal of the special use permit.
- (7) Supplemental design standards for mobile home parks.
 - (a) Mobile home park site drainage shall be properly designed to ensure adequate drainage during and following rainfall and snowmelt.
 - (b) The number of home sites shall not exceed six per gross acre of the park.
 - (c) All homes shall be located not less than 30 feet from the right-of-way of any public highway or street and not less than 15 feet from any property line of adjoining parcels.
 - (d) Mobile home parks located adjacent to existing commercial, manufacturing, or residential land uses shall be visually screened from such uses by major evergreen trees, such as Australian pine, spruce, fir or ornamental bushes which must have a minimum average height of three feet measured from the ground to the highest point of the tree at the time of planting and which must be capable of reaching a minimum height of 10 feet at maturity.
 - (e) Mobile homes shall be located a minimum of 15 feet from the edge of any mobile home park street.
 - (f) The layout and design of individual sites, streets and recreation areas shall preserve as much as practical of the existing topography and existing natural features (such as mature trees, rock outcroppings or other significant and beneficial aesthetic features).
 - (g) All home sites shall have an area of not less than 5,000 square feet, of which no more than 25% shall be occupied by the home itself, and shall conform to the following requirements:

- [1] Each home shall provide a minimum yard space of 15 feet in the rear; the minimum width of any side yard shall be five feet. The total width of both side yards combined shall not be less than 20 feet.
- [2] There shall be a minimum of 20 feet between homes.
- [3] All home sites shall have a foundation to accommodate and secure the home structure in accordance with the New York State Uniform Fire Prevention and Building Code.
- [4] All home sites shall be provided with anchors or tie-downs capable of securing the stability of the home.
- [5] All home sites shall be suitably graded to provide adequate drainage.
- [6] The perimeter of each home shall be enclosed with skirting.
- (h) Parking, roadways and access roads shall meet or exceed the following requirements:
 - [1] A primary access road with a dust control width of at least 30 feet shall be provided for a minimum distance of 100 feet from the public road.
 - [2] Each internal park street shall have a dust control surface width of at least 20 feet and shall be constructed and maintained with a dust control surface on a suitable base according to local requirements.
 - [3] Adequate lighting shall be provided, with the style and location of lighting fixtures in accordance with the site plan as approved by the Planning Board.
 - [4] Two off-street parking spaces shall be provided for each home site. Each parking space must have minimum of 200 square feet and may be grouped with others in a common or in semicommon parking areas, subject to approval of the Planning Board. One additional parking space for guest parking shall be provided for each four home sites.
 - [5] Any area or areas provided solely for the parking and/or storage of recreational vehicles, boats, trailers and other equipment owned by the residents of the park shall be suitably designated, enclosed and screened from view from public roads and adjacent properties.
- (i) Any mobile home park development shall set aside a minimum of 10% of the total acreage for the provision of park and/or recreational facilities. If the conditions of the proposed site make the provision of such recreation area impossible, the Planning Board may, in its sole discretion, accept a cash contribution to the Village of Cobleskill for the development of recreational facilities in another appropriate location, such contribution to be reserved by the Village solely for such purpose.
- (j) Utilities shall conform to the following requirements:
 - [1] Every site shall be serviced by a private or public potable water supply approved by the New York State Department of Health.
 - [2] An electrical connection shall be provided at each site. The installation of said connection shall comply with national, state and local electrical codes.
 - [3] All utility distribution lines shall be placed below the ground, including telephone and cable TV. No overhead distribution lines shall be allowed.
- (k) An adequate system of storm drainage pipes, ditches and appurtenances shall

- be provided. All runoff shall be conducted to a suitable natural stream or outlet where the park has rights of discharge.
- (l) Exposed ground surfaces in all parts of the park shall be paved, surfaced with crushed stone or other material approved by the Planning Board, or protected with grass or plant material capable of preventing erosion and eliminating dust and mud.
 - (m) Each home site shall be provided with at least one living tree or shrub, the kind, size and location thereof to be designated on the site plan approved by the Planning Board.
 - (n) All proposed landscaped areas shall be clearly indicated on the site plan, and the type of treatment (grass, shrubs, ground cover, etc.) shall be specified.
 - (o) Storage on each home site shall be limited to an accessory building containing not more than 150 square feet of space.
 - (p) All accessory structures shall be located in the rear or side yard of the individual home site. Minimum setback for an accessory building shall be three feet from rear and side site lines of the individual home site.
 - (q) Home site additions, including but not limited to the increase of living space, erection of a storm shelter, a seasonal enclosure, separate awnings, canopies or unenclosed patios are prohibited unless and until a permit has been secured from the Code Enforcement Officer after prior written approval has been granted by the mobile home park permittee or his designated representative.
- (8) Supplemental standards for operation and maintenance of mobile home parks.
- (a) All landscaping features incorporated into the site plan as approved by the Planning Board shall be maintained in a healthy condition. Trees, grass or shrubs that die shall be replaced as promptly as possible, considering seasonal conditions.
 - (b) The permittee or his designated representative shall remove snow and ice from primary access roads and all internal park streets within 24 hours of the cessation of any snowfall and shall maintain all roads and streets in a manner which allows full access to emergency vehicles at all times.
 - (c) The storage, collection and disposal of refuse in the park shall be so managed as to create no health or accident hazards, rodent harborage, insect breeding area or pollution of air or water. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing.
 - (d) Parking on all access roads and internal park streets shall be prohibited, and the permittee or his designated representative shall enforce such prohibition.
 - (e) In every park, there shall be a building in which shall be located the office of the operator or person in charge of the said park. A mobile home may be approved by the Planning Board to serve as said office instead of a separate building, but it must clearly be identified as such.
 - (f) The permittee or his designated operator of the mobile home park shall:
 - [1] Maintain records in accordance with requirements of the New York State Division of Housing and Park Renewal.
 - [2] Maintain the park in a clean, orderly and sanitary condition at all times.

- [3] Prohibit the permanent use of any home by a greater number of persons than it is designed to accommodate.
- [4] Inform occupants of their rights and responsibilities regarding any restrictions, rules, regulations, and/or lease covenants and facilitate strict compliance with all such conditions.
- [5] Assure that essential park services, such as a mail drop and police and fire protection, are provided.
- (g) Any change to lot locations, additions or tenant changes requires the issuance of two copies of the park lot layout, which shall identify lot locations and the associated 911 addresses. One copy shall be used for Village records and the other shall be provided to the Village of Cobleskill Fire Department.
- (h) Before an approved mobile home park commences operation, the Code Enforcement Officer shall inspect the site to verify that all requirements and conditions of the special use permit have been satisfied. Operations shall not commence until such inspection has been completed to the satisfaction of the Code Enforcement Officer.
- (i) Failure to maintain mobile home park; order to remedy; notice.
 - [1] If the Code Enforcement Officer finds that a mobile home park is not being maintained in a clean, orderly and sanitary condition or that such mobile home park is not being operated in accordance with the provisions of this chapter or its special use permit, he shall serve upon the permittee or his agent an order in writing directing that condition(s) therein specified be remedied within 15 working days of service of such order.
 - [2] If, after the expiration of said time period, such conditions are not corrected in accordance with the said order, the Code Enforcement Officer shall serve a notice in writing upon such mobile home park permittee, requiring the permittee to appear before the Planning Board, at a time to be specified in such notice, to show cause why said special use permit should not be revoked.

§ 160-6.5. Standards for public utility.

- A. The applicant shall demonstrate that the proposed installation in the specific location requested is necessary for the efficiency of the public utility system or for provision of service by the utility to the neighborhood or area in which the use is to be located.
- B. Adequate and attractive fences and/or landscaping as necessary to protect adjoining properties from noise, light or other nuisance factors will be provided.

§ 160-6.6. Standards for wireless telecommunications towers and facilities.

- A. Purpose and intent.
 - (1) The purpose of these standards is to establish predictable and balanced regulations for the placement and screening of personal services antennas, towers, and accessory structures. The regulations that follow are also intended to accommodate the growth of such systems within the Village of Cobleskill (hereinafter referred to as "the Village"). Such regulations will further serve to

protect the public against any adverse impacts on aesthetic resources. Additionally, the regulations will eliminate potential damage to adjacent properties from tower failure through structural standards and setback requirements. Finally, the regulations set forth in these standards will reduce the number of towers needed to service the community by maximizing the use of existing towers and structures.

- (2) These standards are intended to regulate the placement, construction, modification, and removal of towers and telecommunications facilities to protect the health, safety, and welfare of the public while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Village. Specifically, these standards are intended to:
 - (a) Regulate the location of towers and telecommunications facilities in the Village;
 - (b) Protect residential areas and land uses from potential adverse impacts of towers and telecommunications facilities;
 - (c) Minimize adverse visual impacts of towers and telecommunications facilities through careful design, placement, landscaping, and innovative camouflaging techniques;
 - (d) Promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
 - (e) Promote and encourage technological designs that will either eliminate or reduce the need to erect new tower structures to support antennas and telecommunications facilities;
 - (f) Secure fair and reasonable compensation to the Village and the residents of the Village for permitting private use of the public ways;
 - (g) Avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound; and
 - (h) Ensure that towers and telecommunications facilities are compatible with surrounding land uses.

B. Definitions. See § 160-20, Definitions and Word Usage, § 160-20.2, Definitions, "wireless telecommunications towers and facilities."

C. Review requirements.

- (1) No antenna or tower shall hereafter be used, erected, changed or altered except after obtaining a special use permit in conformity with these standards.
- (2) The Village of Cobleskill Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove special use permits pursuant to these standards. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed antenna, tower, or accessory structures in accordance with the Act.

D. A special use permit issued by the Planning Board shall be effective for a period of two years, during which time an applicant will have two years to erect or modify a tower or antenna pursuant to the permit. The Planning Board may renew such permit upon reapplication by the applicant and the payment of any necessary fees.

- E. Development of towers, antennas, antenna support structures or telecommunications facilities. No person shall build, erect, or construct a tower, antenna, antenna support structure, or telecommunications facility upon any parcel of land within any zoning district within the Village unless the Cobleskill Planning Board issues a special use permit after approving an application in accordance with Subsection C.
- (1) Towers are exempt from the maximum height restrictions of the districts where located. Towers shall be permitted to a height of 150 feet above the ground upon which the antenna is placed.
 - (2) No new tower shall be built, constructed, or erected in the Village unless the tower is capable of supporting another operating telecommunications facility comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the tower.
 - (3) An application to develop a tower, antenna, antenna support structure or telecommunications facility shall include:
 - (a) The name, address, and telephone number of the owner and lessee of the parcel of land where the telecommunications structure is to be situated. If the applicant is not the owner of the parcel of land where the structure is to be located, then the written consent of the owner must also be provided as part of the application.
 - (b) The legal description and address of the parcel of land where the structure is to be located.
 - (c) The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within a one-mile radius of the proposed new tower site, including Village-owned property.
 - (d) A description of the design plan proposed by the applicant in the Village. The applicant must identify the use of the most recent technological design, as part of the design plan. The applicant must demonstrate the need for towers and why design alternatives cannot be used to accomplish the provision of the applicant's telecommunications services.
 - (e) An affidavit stating that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the applicant's telecommunications facilities on Village-owned towers or usable antenna support structures within a one-mile radius of the proposed tower site.
 - (f) Written technical evidence from a qualified professional engineer acceptable to the Village that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structures owned by other persons located within a one-mile radius of the proposed tower site.
 - (g) A written statement from a qualified professional engineer acceptable to the Village that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by nearby residential and nonresidential properties.
 - (h) Written technical evidence from a qualified professional engineer acceptable to the Village that the proposed structure meets the standards set forth in Subsection H, Structural requirements, of this section.

- (i) Written technical evidence from a qualified professional engineer acceptable to the Fire Chief and the Code Enforcement Officer that the proposed site of the tower or telecommunications facility does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas or corrosive or other dangerous chemicals.
 - (j) To assist the Planning Board in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower or structure as it would appear viewed from the closest residential property and from adjacent roadways.
 - (k) A completed long-form environmental assessment form (EAF), in accordance with SEQRA, including a visual assessment or a draft environmental impact statement in lieu of the long-form EAF.
 - (l) The Act gives the FCC sole jurisdiction to regulate RF emissions and does not allow the Village to condition or deny an applicant based upon the RF impacts that meet FCC standards. Antennas and towers shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facilities. Applicants shall submit information regarding proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards. Applicants shall submit evidence of compliance with FCC standards on a yearly basis to the Village. If new, more restrictive standards are adopted, the antennas shall be made to comply with the FCC standards, or the Planning Board may restrict continued operation. The owner or operator of the telecommunications facility shall bear the cost of verification of compliance.
 - (4) The use of guyed towers is prohibited. Towers must be self-supporting without the use of wires, cables, beams or other means. The design should use an open framework or monopole configuration.
 - (5) The base of the tower shall not occupy more than 500 square feet, and the top of the tower shall not be wider than the base.
 - (6) Minimum spacing between tower locations is 1/2 mile.
 - (7) The Planning Board may require an applicant to supplement any information that the Planning Board considers inadequate or that the applicant has failed to supply. The Planning Board may deny an application on the basis that the applicant has not satisfactorily supplied the information required in this subsection.
 - (8) If outside engineering services are required during site plan review, the applicant shall pay the costs.
- F. Collocation requirements. All towers erected or located within the Village shall comply with the following requirements:
- (1) A proposal for a tower shall not be approved unless the Planning Board finds that the antenna planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-mile search radius (one-half-mile search radius for towers under 120 feet in height; one-quarter-mile search radius for towers under 80 feet in height) of the proposed tower due to one or

more of the following reasons:

- (a) The antenna would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer acceptable to the Village, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate the planned or equivalent antenna at a reasonable cost.
 - (b) The antenna would cause interference materially impacting the usability of other existing or planned antennas at the tower or building as documented by a qualified professional engineer acceptable to the Village, and the interference cannot be prevented at a reasonable cost.
 - (c) Existing or approved towers and buildings within the search radius cannot accommodate the antenna at a height necessary to function reasonably, as documented by a qualified professional engineer acceptable to the Village.
 - (d) Other foreseen reasons that make collocation of the antenna upon an existing or approved tower or building infeasible.
- (2) Any proposed tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet high or for at least one additional user if the tower is over 60 feet high. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. The applicant shall submit to the Planning Board a letter of intent committing the applicant, and its successors in interest, to negotiate in good faith for shared use of the proposed tower by other personal wireless service providers in the future. The issuance of a special use permit shall commit the new tower owner and its successors in interest to:
- (a) Respond in a timely and comprehensive manner to a request for information from a potential shared-use applicant.
 - (b) Negotiate in good faith concerning future requests for shared use of the new tower by other personal wireless service providers.
 - (c) Allow shared use of the new tower if another personal wireless service provider agrees in writing to pay charges.
 - (d) Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include, but is not limited to, a pro rata share of the cost of the site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- (3) To keep neighboring municipalities informed and to facilitate the possibility of directing that an existing tall structure or existing tower in a neighboring municipality be considered for shared use, the Planning Board shall require that:
- (a) An applicant who proposed a new tower shall notify in writing the legislative body of each municipality that borders the Village and the County Planning Commission. Notification shall include the exact location of the proposed tower and a general description of the project, including, but not limited to, the height of the tower and its capacity for future shared use.

- (b) Documentation of this notification shall be submitted to the Planning Board at the time of application.
- G. Setbacks. Towers and all accessory structures shall conform to each of the following minimum setback requirements:
 - (1) All towers up to 100 feet high shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 100 feet in height shall be set back one additional foot per foot of tower exceeding 100 feet.
 - (2) Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
 - (3) Setback requirements may be modified, as provided in the sole discretion of the Planning Board, when placement of a tower in a location that will reduce the visual impact can be accomplished.
 - (4) The minimum setbacks of the underlying zoning district shall be met with the exception of industrial zoning districts, where towers and accessory structures may encroach into the rear setback area, provided that the real property line abuts another industrially zoned property and the tower does not encroach upon any easements.
 - (5) Towers and accessory structures shall be set back from the planned public rights-of-way as shown on the most recently adopted map of the Village showing such rights-of-way, a minimum distance equal to 1/2 the tower height, including all antennas and attachments.
 - (6) Setback requirements may be modified in the sole discretion of the Planning Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, power line, or similar structure.
- H. Structural requirements. All towers must be designed and certified by a qualified professional engineer acceptable to the Village to be structurally sound.
- I. Separation or buffer requirements. For the purpose of these standards, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the base, pursuant to a proposed site plan, of the proposed tower. Tower separation distances from residentially zoned lands shall be measured from the base of the tower to the closest point of residentially zoned property. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied regardless of Village jurisdictional boundaries.
 - (1) Towers shall be separated from all residentially zoned lands by a minimum of 200 feet or 200% of the height of the proposed tower, whichever is greater.
 - (2) Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a special use permit but are not yet constructed at the time a special use permit is granted pursuant to these standards:
 - (a) Monopole tower structures shall be separated from all other towers, whether monopole or self-supporting lattice, by a minimum of 750 feet.
 - (b) Self-supporting lattice towers shall be separated from all other self-supporting lattice towers by a minimum of 1,500 feet.
 - (c) Self-supporting lattice tower structures shall be separated from all monopole

towers by a minimum of 750 feet.

- J. Method of determining tower height. Measurement of tower height to determine compliance with all requirements of these standards shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from grade.
- K. Illumination. Artificial light shall be limited as required by the Federal Aviation Administration or other federal or state authority for a particular tower. Upon the commencement of tower construction, in cases where there are residential uses located within a distance which is 300% of the height of the tower from the tower and when required by federal law, dual-mode lighting shall be requested from the Federal Aviation Administration.
- L. Design of antennas, towers and accessory structures. Antennas, towers, and accessory structures shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except when the color is indicated by federal or state authorities such as the Federal Aviation Administration. Every antenna, tower, and accessory structure shall be a neutral color to be in harmony with and blend with the natural features, buildings, and structures surrounding the antenna or structure; provided, however, that directional or panel antennas and omnidirectional or whip antennas located on the exterior of a building that will also serve as an antenna tower shall be of colors that match, and cause the antenna to blend with, the exterior of the building. Accessory structures will be designed to be architecturally compatible with principal structures on the site.
- M. Landscaping and security of structures. All landscaping on a parcel of land containing towers, antenna support structures or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where such structures or facilities are located, although the Planning Board may require landscaping in excess of the Village code to enhance the compatibility with adjacent land uses. Landscaping shall be installed on the outside of any fencing. Existing on-site vegetation shall be preserved to the maximum extent practicable. The base of the tower and any accessory structures shall be landscaped. Towers and accessory structures shall be provided with eight-foot security fencing to prevent unauthorized entry.
- N. Access. A parcel of land upon which a tower is located must provide access to at least one paved vehicular parking space on site. Maximum use of existing roads, public or private, shall be made.
- O. Stealth design. All towers shall be of stealth design as defined by these standards.
- P. Telecommunications facilities on antenna support structures. Any telecommunications facilities not attached to a tower may be permitted on any antenna support structure at least 50 feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities are prohibited on all other structures. The owner of such structure shall, by written certification to the Planning Board, establish the following at the time plans are submitted for a special use permit:
 - (1) The height from grade of the telecommunications facilities shall not exceed the height from grade of the antenna support structure by more than 20 feet.
 - (2) Any telecommunications facilities and appurtenances located above the primary

roof of an antenna support structure are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback shall not apply to telecommunications facilities and their appurtenances located above the primary roof of an antenna support structure if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the Village. Setback requirements shall not apply to stealth antennas which are mounted to the exterior of antenna support structures below the primary roof but which do not protrude more than 18 inches from the side of such an antenna support structure.

Q. Certifications and inspections.

- (1) All towers shall be certified by a qualified professional engineer acceptable to the Village to be structurally sound and in conformance with the requirements of the Building Code and all other construction standards set forth by the Village's Code and federal and state law. For new monopole towers, such certification shall be submitted with an application pursuant to Subsection C of these standards and every five years thereafter. The tower owner may be required by the Village to submit more frequent certifications if the Village believes the structural and/or electrical integrity of the tower is jeopardized.
- (2) The Village or its agents shall have authority to enter onto the property where a tower is located, between inspections and certifications, to inspect the tower to determine whether it complies with the Village Code and all other construction standards provided by the Village Code and federal and state law.
- (3) The Village reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner.

R. Maintenance.

- (1) Tower owners shall employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- (2) Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations and in such manner that will not interfere with the use of other property.
- (3) All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order and repair.
- (4) Licensed maintenance and construction personnel shall perform all maintenance or construction of towers, telecommunications facilities, or antenna support structures.
- (5) All towers shall be in compliance with current RF emission standards as set by the FCC.
- (6) If a tower owner discontinues the use of a tower, the tower owner shall provide written notice to the Village of its intent to discontinue and the date when such use will be discontinued.

S. Abandonment.

- (1) If any tower shall cease to be used for a period of 365 consecutive days, the Code Enforcement Officer shall notify the owner, with a copy to the applicant, that the site will be subject to a determination that such site has been abandoned. The owner shall have 30 days from receipt of such notice to show, by a preponderance of the evidence, that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the CEO shall issue a determination of abandonment for the site. Upon issuance of a final determination of abandonment, the owner shall, within 75 days, dismantle and remove the tower.
 - (2) If a tower is not removed within the relevant time period, the Village may remove the tower and associated facilities after proper notice and a hearing, and the costs of removal shall be assessed against the owner.
 - (3) Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.
- T. Severability. If any clause, section, or other part of these standards shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of these standards shall not be affected thereby but shall remain in full force and effect.
- U. Signs and advertising on towers. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- V. Compliance with other laws. The operator of every tower, antenna, and accessory structure shall submit to the Village Clerk copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such tower, antenna and accessory structure and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.
- W. Assignment of permit. Every special use permit granting approval of an antenna, tower, or accessory structure shall state that any assignment or transfer of the special use permit or of any rights thereunder may be made only with the approval of the Village Board of Trustees.
- X. Review of special use permit. The special use permit shall be subject to review by the Planning Board at five-year intervals to determine the following:
- (1) Whether the technology in the provision of personal wireless services has changed such that the necessity for the special use permit at the time of its approval has been eliminated or modified; and
 - (2) Whether the special use permit should be modified or terminated as a result of any such change.

§ 160-6.7. Penalties for offenses.

- A. Violations of the provisions of these standards or any rules or regulations established pursuant thereto shall be subject to all procedures and penalties enumerated in § 160-15, Administration and Enforcement, of this chapter.

§ 160-7. SITE PLAN REVIEW.

§ 160-7.1. Applicability.

- A. Prior to the issuance of the zoning permit or building permit by the Code Enforcement Officer for any use subject to site plan review as specified in § 160-4, Use Regulations, and any amendments thereto, an original site plan application, along with six copies, shall be submitted to the Secretary for the Planning Board seven business days prior to a meeting for review for completeness and approval in accordance with the standards and procedures outlined below.
- B. The Planning Board may waive the site plan review for a change from one commercial use to another commercial use in the same building, provided that the existing building will not be expanded and the existing site complies with the applicable sidewalk, landscaping, and lighting requirements of this Code.
- C. The Planning Board may waive the site plan review for a change from one residential use to another residential use in the same building, provided that the existing building will not be expanded and the existing site complies with the applicable sidewalk, landscaping, and lighting requirements of this Code.
- D. The Code Enforcement Officer may issue the zoning permit and building permit without site plan review for any use in the Central Business District otherwise permitted, provided that no building demolition, new building construction, or expansion of building footprint is included in the proposed use.

§ 160-7.2. Sketch plan conference.

- A. A sketch plan conference shall be held between the Planning Board and the applicant to review the basic site design concept, to determine the information required for inclusion on the preliminary site plan and to settle certain procedural questions relative to site plan submittal and review.
- B. The applicant shall provide, for consideration at the sketch plan conference:
 - (1) An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets and easements within 200 feet of the boundaries thereof. Such area map shall be oriented to the nearest highway intersection.
 - (2) The general slope of the parcel under consideration and a notation giving the estimated percentage of slope on the parcel.
 - (3) A written statement and sketch plan describing the proposed development of the site.
 - (4) Such additional information as needed for other reviews or submittals required under state, federal or local laws and regulations.
 - (5) For projects in the MU 1, MU 2, MU 3, and C-I Zoning Districts, a completed affidavit of mailing notice stating that notice has been mailed to owners of all properties within 200 feet of the proposed use. [Amended 1-19-2010 by L.L. No. 1-2010]
- C. The Planning Board shall determine, at the sketch plan conference:
 - (1) Whether the requirement for site plan review shall be waived pursuant to § 160-7.1B or C above.
 - (2) The information from the requirement checklist to be included on the preliminary site plan to constitute a complete submittal.
 - (3) The contour interval (if any) to be used on the preliminary site plan.

- (4) The necessity, based on the following factors, for outside consultant services for review of the preliminary and/or final site plan:
 - (a) The complexity and scope of the proposed project.
 - (b) Unusual or unique conditions on the site and surrounding property.
 - (c) Whether the preliminary and final site plans are to be prepared by a landscape architect, architect, professional engineer or surveyor licensed in the State of New York.
 - (d) Such other factors as the Planning Board considers relevant.
 - (5) If the Planning Board determines that the services of an outside consultant are necessary for review of the preliminary and/or final site plan, the applicant shall be informed, in writing, of such determination and of the ceiling on reimbursable costs for such services.
 - (6) If requested by the applicant, the Planning Board may authorize the Code Enforcement Officer to issue building permits for phases of the project less than the total proposed development for the purpose of permitting a design-build development approach.
 - (a) Such phased building permits shall be authorized only under the following circumstances:
 - [1] Extraordinary and compelling circumstances exist requiring the commencement of construction prior to the completion of detailed plans; and
 - [2] The benefit to the Village of permitting phased building permits clearly and overwhelmingly outweighs the advantages of receipt of fully detailed plans prior to issuance of a building permit for the entire project.
 - (b) Such phased permits shall not be authorized:
 - [1] For the convenience of the applicant; or
 - [2] To avoid or circumvent submittals, reviews, referrals or notifications required under federal, state or local laws or regulations.
 - (c) Interpretation of authorization.
 - [1] The authorization of the Planning Board to allow phased building permits shall not be interpreted to encourage or obligate the Code Enforcement Officer to issue a certificate of zoning compliance or a zoning permit for the first or any subsequent phase of the proposed project.
 - [2] The Planning Board shall specifically inform the applicant that any increased risks associated with phased building permits shall fall upon the applicant and that Planning Board authorization does not constitute or guarantee the issuance of a building permit and that the Code Enforcement Officer is required not to consider costs incurred in the construction of a project phase as a factor in considering the issuance of building permits for subsequent phases.
 - (7) If requested by the applicant, whether the sketch plan as submitted is sufficient to meet the requirements for the preliminary site plan and shall be accepted and/or approved as the preliminary site plan application.
- D. At the sketch plan conference, the Planning Board shall inform the applicant that

additional reviews, referrals, submissions, or notifications may be required pursuant to federal, state or local laws or regulations, including SEQRA, and approvals from the Village of Cobleskill Water and Sewer Departments.

- E. The Planning Board may recess the sketch plan conference to provide for appropriate site visits by its members or consultants, to determine the necessity and/or cost of reimbursable consultant services or to gather or receive additional information. In such cases, when the Planning Board reconvenes the conference, it shall be considered a continuation of the same sketch plan conference.

§ 160-7.3. Preliminary site plan.

- A. Pursuant to §§ 7209 and 7303 of the New York State Education Law, the preliminary site plan shall be prepared by a landscape architect, architect, professional engineer or land surveyor except as provided in §§ 7209, Subdivision 7, and 7307, Subdivision 5, of the New York State Education Law.
- B. The preliminary site plan shall include such information from the following checklist as deemed necessary by the Planning Board at the sketch plan conference:
 - (1) The title of the drawing, including the name and address of the applicant and the person responsible for preparation of such drawing.
 - (2) North arrow, date and written and graphic scale.
 - (3) Boundaries of the property plotted to scale.
 - (4) Existing watercourses, flood-prone areas as described by the Federal Emergency Management Administration mapping, and New York State regulated wetlands.
 - (5) A description of existing vegetative cover and the location of all existing trees over 12 inches in diameter.
 - (6) The location of other significant natural or man-made features of historical or cultural interest which exist on the site.
 - (7) The location of existing uses and outlines of structures drawn to scale on the site and within 100 feet of the lot line.
 - (8) The location and description of other existing development on the site, including fences, landscaping and screening.
 - (9) A grading and drainage plan showing existing and proposed contours at an appropriate interval to be specified by the Planning Board and referenced to United States Geological Survey datum elevations.
 - (10) The location, proposed use, height, and architectural consistency with § 160-12, Building Design Standards, of all structures.
 - (11) The location, design and construction materials of all parking and truck-loading areas, with access and egress drives thereto.
 - (12) Provisions for pedestrian access and sidewalks.
 - (13) The location of outdoor storage, if any.
 - (14) The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
 - (15) A description of the method of sewage disposal and location.
 - (16) A description of the method of securing water and location.
 - (17) A description of the method of stormwater treatment and/or control.
 - (18) The location of fire and other emergency zones, including the location of fire hydrants.

- (19) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (20) The location, size, design and construction materials of all proposed signage.
- (21) A landscape planting plan showing planting areas and specifying plant types.
- (22) The location, design and specification of outdoor lighting, if any.
- (23) Illustrations or sketches of proposed street furniture, if any.
- (24) Traffic study. The Planning Board shall require a traffic study for any new, major proposed use, unless waived at the sole discretion of the Planning Board. The traffic study shall include:
 - (a) The projected number of motor vehicle trips to enter or leave the site estimated for daily and peak-hour traffic levels.
 - (b) The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
 - (c) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak-hour traffic levels, as well as road capacity levels, shall also be given.
- (25) Other information as deemed necessary by the Planning Board.

§ 160-7.4. Planning Board Review of preliminary site plan.

The Planning Board shall review the preliminary site plan and shall determine whether the applicant has met the following criteria for approval:

- A. Adequacy of layout and design of vehicular access and circulation on the site and surrounding streets, including intersections, road widths, pavement surfaces, and traffic controls. [Amended 12-18-2007 by L.L. No. 14-2007]
- B. Adequacy of the layout and design of off-street parking, loading, lighting, signage and general relationship with proposed structures.
- C. Adequacy of stormwater and drainage facilities, water supply and sewage disposal facilities. No water supply dead ends shall be permitted. [Amended 4-15-2008 by L.L. No. 3-2008]
- D. Adequacy of type and use of trees, shrubbery and other landscape elements for aesthetic, screening or buffering purposes and the relationship with existing trees and vegetation, which shall be incorporated to the maximum possible extent.
- E. Adequacy of protection of adjacent properties from noise, glare, unsightliness or other objectionable features.
- F. Adequacy of provisions for emergency vehicular zones and fire-fighting access.
- G. Consistency of architectural features with § 160-12, Building Design Standards.
- H. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding, slippage and/or erosion.
- I. For new construction, the layout and location of underground cables, such as electric, telephone, cable television, etc.
- J. Adequacy of layout and design of pedestrian access and circulation on the site and in relation to the surrounding streets, including sidewalks, crosswalks, walkway structures and overall pedestrian convenience, including: [Added 12-18-2007 by L.L. No. 14-2007]
 - (1) Sidewalks consistent with § 131-3 of this Code are required along and parallel to each public street.

- (2) Unless site conditions dictate otherwise, a separation distance of five feet shall be maintained between sidewalks and the curblineline of any public street.
- (3) Crosswalks and walkways across public streets and within parking areas and on-site vehicle areas shall be clearly marked with surface striping.
- (4) Whenever possible, on-site sidewalks and pedestrian walkways shall interconnect with those of adjacent sites.

§ 160-7.5. Consultant review.

The Planning Board may consult with the Code Enforcement Officer, the Fire Chief, the Superintendent of Highways, the Village Board of Trustees, the Village Attorney, other local and county officials and/or the Board's designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the Soil Conservation Service, New York State Department of Transportation, New York State Department of Environmental Conservation and New York State Office of Parks, Recreation and Historic Preservation, to assist in the review of the preliminary site plan.

§ 160-7.6. Public hearing.

The Planning Board, if it deems appropriate, may conduct a public hearing on the preliminary site plan.

- A. Such public hearing shall be conducted within 62 days of receiving the completed preliminary site plan and application for its approval.
- B. The Board shall mail notice of the hearing to the applicant at least 10 days before such a hearing.
- C. Notice must be mailed to the Schoharie County Planning Agency at least 10 days before a hearing as required by General Municipal Law § 239-m. If no hearing is held, the proposed action must be referred to the Schoharie County Planning Agency before any final action is taken.
- D. The notice of the hearing shall be advertised in the official newspaper of the Village at least five days before the public hearing.
- E. Pursuant to General Municipal Law § 239-nn, notice of the public hearing shall be given by mail or electronic means to the Clerk of the adjacent municipality at least 10 days prior to the commencement of the hearing.

§ 160-7.7. Planning Board action on preliminary site plan.

- A. Within 62 days of the public hearing, if held, or from the date of receipt of the complete preliminary site plan and application for approval, the Planning Board shall approve, approve with modifications or disapprove the preliminary site plan.
- B. The Planning Board shall have the authority to impose reasonable conditions to its approval to fulfill the purposes of this chapter.
- C. If no action is taken on the preliminary site plan within the prescribed time period, the completed preliminary site plan shall be considered approved as submitted.
- D. If the preliminary site plan is disapproved, the Planning Board shall state in writing the reasons for such denial. In such case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after revision or

redesign.

- E. If the preliminary site plan is approved with modifications, the modifications must be shown in the final site plan as a condition of approval.

§ 160-7.8. Final site plan.

- A. After the Planning Board approves the preliminary site plan, the applicant shall submit a final site plan, subject to the following requirements:
- (1) The final site plan shall be submitted no more than six months after approval of the preliminary site plan. If the prescribed time period has elapsed or conditions have changed substantially in the interim, the Planning Board may, at its sole discretion, require resubmission of the preliminary site plan for further review and revision prior to accepting the final site plan for review.
 - (2) The final site plan shall conform substantially to the preliminary site plan as approved and shall incorporate all modifications that may have been required by the Planning Board as conditions of approval. All such required modifications shall be clearly indicated on the final site plan.
 - (3) The following information, in addition to that included in or as conditions of approval of the preliminary site plan, shall be included in the final site plan submitted for approval:
 - (a) Record of application for and approval status of all necessary permits from state, local, and county officials. Approval of water, sewer, and stormwater systems shall be obtained from the appropriate Village of Cobleskill departments.
 - (b) Detailed sizing and final material specification of all required improvements.
 - (c) An estimated project construction schedule.
- B. If the preliminary site plan is approved as submitted and if it includes all additional information required for a complete final site plan, the Planning Board may, at its sole discretion, accept the approved preliminary site plan as the final site plan for its review.
- C. Upon approval of a final site plan, all conditions of approval must be met prior to the issuance of an occupancy permit by the Code Enforcement Officer. The Planning Board shall notify the applicant and the Code Enforcement Officer of its conditioned approval and file same with the Village Clerk.
- D. Pursuant to Village Law § 7-725-a, Subdivision 5, the Planning Board is authorized to waive any requirements for the approval, approval with modifications or disapproval of site plans submitted for approval when such waiver would be reasonable. Any such waiver may be exercised in the event any such requirements are found not to be in the interest of the public health, safety or general welfare or inappropriate to a particular site plan. Without limitation, the authorization to grant waivers does not include authority to waive use or dimensional requirements otherwise required by the Zoning Law or any requirements outside of requirements specific to a site plan.

§ 160-7.9. Planning Board action on final site plan.

- A. Within 62 days after receiving the complete final site plan and application for

approval, the Planning Board shall approve or disapprove the final site plan.

- B. The prescribed time period for Planning Board action may be extended with the mutual agreement of the Planning Board and the applicant or if other reviews, referrals, submittals or notifications required under federal, state or local laws or regulations have not been completed.
- C. If no decision is made within the prescribed time period or extensions thereto, the final site plan shall be considered approved as submitted.
- D. If the final site plan is disapproved, the Planning Board shall present the reasons for disapproval, in writing, to the applicant and for the public record. Such disapproval shall be indicated on a form as prescribed by the Planning Board.
- E. Upon Planning Board approval of the final site plan and payment by the applicant to the Village of all fees and reimbursable costs, the Planning Board shall forward one copy of the final site plan with its approval to the Code Enforcement Officer. The Planning Board shall indicate its approval in writing.

§ 160-7.10. Reimbursable costs.

- A. Costs or fees incurred by the Planning Board for necessary consultant services or other extraordinary expense in connection with the review of a proposed site plan shall be paid by the applicant, provided that the necessity of such services and a ceiling upon such fees or expense have been determined by the Planning Board at the sketch plan conference and the applicant has been informed of the fee ceiling in writing.
- B. No zoning permit shall be issued for any proposed construction for which fees or reimbursable costs are lawfully due to the Village and unpaid.

§ 160-7.11. Performance guarantees.

- A. No certificate of occupancy shall be issued until all improvements shown on the approved site plan are installed or a security in an amount representing 150% of the estimated cost of the improvements to be completed is posted in accordance with New York State Village Law § 7-725-a, Subdivision 7. The form of the security shall be that which is provided in New York State Village Law § 7-730, Subdivision 9, and shall be accompanied by a written irrevocable authorization for access to the subject site for installation of improvements by the Village or its authorized representative.
- B. In the event that any required improvements have not been installed within the time stated in the security agreement, the Village may declare the applicant in default and collect the sum payable hereunder. Upon receipt of the proceeds of the performance guarantee, the Village shall install or cause to be installed the required improvements at a cost not to exceed the amount of such proceeds.

§ 160-8. ADDITIONAL STANDARDS.

§ 160-8.1. Accessory uses and structures.

- A. Trash dumpsters accessory to multiple-family, commercial and industrial uses shall

be enclosed by walls or fences.

- B. Walls and fences shall be permitted in all districts except where they are of such a height or location as to interfere with sight clearances required for traffic safety.
- C. No accessory uses or accessory structures, except fences, shall be located in the established front yard.
- D. No accessory uses or accessory structures shall project nearer to the street on which the principal structure fronts than does the principal structure, except:
 - (1) Fences, walls, berms, or other landscaping devices, provided that they comply with the requirements of this § 160-8.
 - (2) An enclosed residential garage that is structurally and architecturally integrated into the principal structure.
- E. An accessory structure may be located in any required side or rear yard, provided that:
 - (1) The height does not exceed 15 feet (except fences, berms or landscape plants).
 - (2) It is set back five feet from any lot line (except fences, berms or landscape plants).
- F. Fences, except living fences:
 - (1) Shall be placed at least six inches back from any property line.
 - (2) Shall have the smooth side or finished side facing to the outside of the property of the owner installing the fence.
 - (3) Shall have fence posts, if any, placed on the inside of the fence.
 - (4) Shall have all entrances or gates opening into the property of the owner installing the fence.
 - (5) If erected in the side and rear yards, shall not exceed eight feet in height.
 - (6) If erected in the front yard:
 - (a) Shall be placed at least one foot back from the sidewalk.
 - (b) If no sidewalks are in place, shall be set back a minimum of six feet from the edge of pavement.
 - (c) Shall not exceed four feet in height.
- G. Living fences:
 - (1) Shall be placed at least two feet back from any sidewalk in existence, any prospective sidewalk or the property line.
 - (2) Shall be maintained in a neatly trimmed condition.
 - (3) Shall not interfere with the visibility of vehicular and pedestrian traffic.

§ 160-8.2. Bar/tavern/nightclub.

- A. No such establishment shall be closer than 500 feet to a school or place of religious worship, measured lot line to lot line.
- B. No two such establishments shall be located within 500 feet of each other, measured lot line to lot line.

§ 160-8.3. Car wash.

For a car wash, the applicant shall provide, as part of the application, written approval from the appropriate Village of Cobleskill departments of:

- A. Projected water usage.

- B. Water-recycling facilities.
- C. Stormwater and drainage systems.

§ 160-8.4. Residential uses in Central Business District.

No residential use shall be permitted on the first floor (street level) of any building in the Central Business District.

§ 160-8.5. Dwellings: multiple occupancy.

- A. Use of rooms.
 - (1) It shall be prohibited to use any kitchen or nonhabitable space for sleeping purposes.
 - (2) It shall be prohibited to use any cellar space as a dwelling unit or habitable space, except as part of an above-grade dwelling unit, unless at least 80% of the horizontal dimension of one wall of said cellar space is above grade.
 - (3) No room may be occupied for sleeping purposes by more than two adults, considering children of 12 years of age or more as adult and considering two children between the ages of two and 11 inclusive as the equivalent of one adult. Children under two years of age need not be considered as occupants.
 - (4) No room shall have sleeping accommodation for more persons than can be accommodated in conformity with the provisions of this § 160-8.
- B. Additional parking. Off-street parking spaces shall be provided in accordance with § 160-9.2, Off-street parking and loading requirements common to all districts, of this chapter.

§ 160-8.6. Dwellings: two-family.

- A. Where two-family dwellings are permitted, they shall meet the following requirements:
 - (1) Such two-family dwelling shall contain at least 600 square feet of floor area within each dwelling unit.
- B. Required parking shall be on site and shall not encroach on any yard or setback area.
- C. Such duplex two-family dwelling shall comply with § 160-8.5, Dwellings: multiple occupancy.

§ 160-8.7. Funeral home.

The applicant shall demonstrate that there is adequate off-street parking and stacking room for cars lined up for funeral processions.

§ 160-8.8. Games arcades.

It shall be unlawful to operate a games arcade within any of the following restricted locations or premises:

- A. Any area within a five-hundred-foot radius of any school.
- B. Any open area, open court or other mandatory open portion on any lot, plot or premises.

- C. Any area within a two-hundred-fifty-foot radius of any other games arcade, other than a bar or bar-restaurant.
- D. Within or upon any place, premises or building, other than a bar or restaurant, in which any type of liquor or alcoholic beverage is or may be sold, offered for sale, purchased, dispensed, served or consumed or in which the same is permitted to be brought into or possessed in or upon any part or portion of such place, premises or building.
- E. Within or upon any place, premises or building any part or portion of which is designed, constructed, altered, intended, used or maintained as or for a residential dwelling or apartment, whether or not the same shall be segregated from the remainder of such premises and whether or not the same shall be located on the same or a different floor of such building or premises as the remaining portion thereof.

§ 160-8.9. Gasoline station or motor vehicle repair facility.

- A. The following standards shall apply to all premises defined as a motor vehicle repair facility or gasoline station:
 - (1) Vehicle lifts, dismantled automobiles, all parts or supplies, goods, materials, refuse, garbage or debris shall be located within a fully enclosed building when the business is not in operation.
 - (2) Gasoline or flammable oils shall be stored fully underground at least 20 feet from any street line or 35 feet from any lot line. Applicable standards and criteria detailed in any New York State or federal law or regulation which requires a greater restriction shall take precedence.
 - (3) Waste oils incidental to automotive service work in amounts of less than 300 gallons may be stored above the ground, provided that the materials are:
 - (a) Stored in enclosed containers consistent with approved New York State and federal regulations, away from all heat, sparks, flame or other sources which may cause the materials to ignite or explode.
 - (b) Stored in an enclosed building.
 - (c) Disposed of at regular intervals in a safe manner, consistent with approved New York State and federal regulations.
- B. Any premises which include the sale of gasoline or other volatile, flammable or combustible fuel shall comply with the following additional standards:
 - (1) Entrance and exit drives:
 - (a) Shall have an unrestricted width of not less than 12 feet or more than 24 feet.
 - (b) Shall be located not nearer than 10 feet to any lot line.
 - (2) Station layout shall avoid the necessity of any vehicle backing into a public right-of-way.
 - (3) No fuel pump or aboveground storage tank shall be located nearer to any street line than required by New York State Uniform Fire Prevention and Building Code.
 - (4) Those establishments which sell gasoline or other flammable or combustible liquids in combination with a quick-stop retail food outlet shall:
 - (a) Ensure that adequate parking is available on the site for customers making purchases at the store but not buying gasoline. This parking area shall be located in a manner that does not interfere with the safe entry and exit of

- vehicles purchasing gasoline.
- (b) Provide an enclosed trash dumpster for disposal of waste materials removed by store employees.
- (c) Maintain trash receptacles for customer use on the premises.

§ 160-8.10. Home occupations.

Home occupations:

- A. Shall be incidental to and shall not alter the primary use of the premises as a residence.
- B. Shall not cause the premises to be altered from its residential character in a manner that includes, but is not limited to, the alteration of colors, materials, construction or lighting or the emission of light, noise, sounds, odors or vibration to accommodate such business.
- C. Shall be conducted in the principal building or in an existing accessory structure by the resident.
- D. Shall employ no more than two assistants not residing on the premises.
- E. Shall not display any goods outside the building.
- F. Shall store no equipment or materials outside the building.
- G. The retail sale of goods or articles is permitted only if they are necessarily incidental to the service provided by the home occupation.
- H. In the residential districts, no traffic shall be generated in greater volumes than would normally be expected in a residential neighborhood.

§ 160-8.11. Junkyards: existing nonconforming.

Subject to the provisions of § 160-14 of this Zoning Law, junkyards lawfully in existence prior to the adoption of this Zoning Law and the predecessor Zoning Ordinance may continue only as prior nonconforming uses subject to the following regulations:

- A. Measurement of distance. Distance from the edge of the right-of-way or of the main traveled way shall be measured horizontally, along a line normal or perpendicular to the center line of the highway or street. Distance from an adjoining property shall be measured horizontally, along a line perpendicular to the property line. Distance from the industrial activity shall be measured horizontally, along a line normal or perpendicular to the nearest edge of the activity.
- B. Regulated activities. No person, firm or corporation shall establish, operate or allow to exist a junkyard, as defined in § 160-20.2 of this Code, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway or street, as defined in § 160-20.2 of this Code, except the following:
 - (1) Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the interstate, primary highway system or street or from any adjacent property with a structure within 500 feet or otherwise removed from sight.
 - (2) Those which are not visible from the main traveled way of the interstate, primary highway system or street or from any adjacent property with a structure within 500 feet.
- C. Area and setback requirements. Lot size shall be at least 50,000 square feet.

Screening, with the exception of existing buildings, shall be placed a minimum of five feet from the right-of-way line of any interstate, primary highway or street, measured at right angles. Screening shall be placed a minimum of five feet from any adjoining lot line, measured at right angles.

- D. Installation of screening shall be subject to site plan review limited to the issues of compliance with the provisions of this section.
- E. Abatement of nonconforming facilities. Any junkyard established or allowed to exist in violation of this section shall be a public nuisance and shall be abated and removed in the manner provided by law.
- F. Cost recovery. In the event that the Village takes action to abate a nonconforming junkyard as a public nuisance, the Village shall recover its costs of abatement, including litigation costs and attorneys' fees, from the owner of such a junkyard and its operator.

§ 160-8.12. Light industry.

- A. There shall be no manufacturing of toxic gases or chemicals.
- B. There shall be no outdoor storage of materials, equipment, crates, or other items needed for the manufacturing process.
- C. There shall be no noises, measured at any property line, exceeding 60 decibels between the hours of 7:00 a.m. and 9:00 p.m. or exceeding 50 decibels between the hours of 9:00 p.m. and 7:00 a.m.
- D. No more than 20% of the floor area shall be used for retail sales.

§ 160-8.13. Livery/taxi.

- A. The following standards shall apply to all premises defined as a livery/taxi service:
 - (1) Vehicle lifts, dismantled or unregistered automobiles, all parts or supplies, goods, materials, refuse, garbage or debris shall be located within a fully enclosed building when the business is not in operation.
 - (2) Gasoline or flammable oils shall be stored fully underground at least 20 feet from any street line or 35 feet from any lot line. Applicable standards and criteria detailed in any New York State or federal law or regulation which requires a greater restriction shall take precedence.
 - (3) Waste oils incidental to automotive service work in amounts of less than 300 gallons may be stored above the ground, provided that the materials are:
 - (a) Stored in enclosed containers consistent with approved New York State and federal regulations, away from all heat, sparks, flame or other sources which may cause the materials to ignite or explode.
 - (b) Stored in an enclosed building.
 - (c) Disposed of at regular intervals in a safe manner, consistent with approved New York State and federal regulations.
- B. All parking shall be at the rear of the parcel.
- C. Necessary vehicle maintenance shall be permitted on site.

§ 160-8.14. Lunch wagon or movable diner.

- A. A permit issued by the Code Enforcement Officer shall be required for the operator of any lunch wagon or diner not attached to a fixed and permanent foundation, subject to the following requirements:
 - (1) Application for such permit shall specify the location(s) and hours that the facility shall be open for business.
 - (2) The use shall not eliminate existing parking spaces required for other uses on the premises.
 - (3) Evidence of a valid permit issued by the Schoharie County Health Department.
 - (4) If to be operated on public streets, sidewalks or property, evidence of a peddler's permit issued by the Village Clerk.
- B. Such lunch wagon or movable diner shall operate within the Village no more than six hours per day.

§ 160-8.15. Nursery school/day-care facility.

- A. The facility shall provide evidence to the Village at regular intervals, not to exceed once each year, that it is a duly licensed New York State facility.
- B. Adequate provision, as determined by the Code Enforcement Official, shall be made for the loading and unloading of children.

§ 160-8.16. Outdoor market.

- A. A permit issued by the Code Enforcement Officer shall be required for the establishment or conduct of any outdoor market, subject to the following requirements:
 - (1) The outdoor market shall be permitted to operate either:
 - (a) No more than 10 hours per day for a permit period not to exceed 10 consecutive days; or
 - (b) No more than six hours per day, two days per week, for a permit period not to exceed three consecutive calendar months.
 - (2) The outdoor market shall be seasonal in nature and shall not maintain year-round signs, facilities or structures.
 - (3) Adequate parking shall be available.
- B. The permit shall be valid only for business hours and a permit period consistent with § 160-8.16A(1) above.
- C. No more than two such market permits shall be issued for the same location, establishment or person in one calendar year.
- D. A single temporary sign may be displayed only at the location of the market and only during business hours of the market. The sign shall be professional in appearance, nonilluminated and shall not exceed 30 inches wide by 48 inches high.
- E. Upon expiration of the permit and on all days on which the outdoor market is closed for business, all signs, structures and facilities shall be removed from public view.

§ 160-8.17. Radio and television antennas; dish antennas.

Radio and television antennas, except those customarily associated with residential radio and television reception, shall require that a certificate of compliance and a building

permit be issued prior to installation. Dish antennas, whether associated with residential reception or not, shall require a certificate of compliance and a building permit.

Furthermore, all antennas and towers shall comply with the following regulations:

- A. All proposed towers and antennas shall be located a distance from any lot line equal to or greater than its height.
- B. No dish antenna shall be permitted to be located within any established front or side yard.
- C. Any guy anchorage or similar device shall be at least 10 feet from any property line.
- D. Suitable protective anticlimb fencing shall be provided and maintained around any structure greater than 10 feet in height.
- E. The applicant shall submit documentation of the possession of any required license by any federal, state or local agency with the application for any required permit
- F. No antenna or antenna tower shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line which serves more than one dwelling, place of business or parcel.
- G. Only one such structure shall exist at any one time on any residentially zoned and used lot.
- H. The application for the permit must include construction drawings showing the proposed method of installation and a site plan depicting structures on the property and all adjacent properties.
- I. If any modifications are made to an antenna or tower, the Code Enforcement Officer shall have the authority to require proof that any addition, change or modification is in conformity with the permit, the New York State Uniform Fire Prevention and Building Code and this chapter.

§ 160-8.18. Recreational vehicles.

- A. Two camping trailers, motor homes or boat trailers may be stored on a lot. At least one of such vehicles shall be stored in the rear yard or parking area.
- B. Recreational vehicles shall not be used as living quarters for more than:
 - (1) Two consecutive weeks.
 - (2) Four weeks during any calendar year.

§ 160-8.19. Residential garage sale.

Residential garage sales shall:

- A. Be registered with the Planning, Environment and Codes Enforcement Office.
- B. Operate no more than 10 hours per day.
- C. Operate for a permit period not to exceed 10 consecutive days.
- D. Not maintain year-round signs, facilities or structures.

§ 160-8.20. Sidewalk cafes.

A restaurant or bar/tavern/nightclub fronting on a public sidewalk is permitted to operate a sidewalk cafe on the public sidewalk directly in front of the property of said restaurant or bar/tavern/nightclub only, subject to the following guidelines:

- A. A sidewalk cafe shall be a sit-down-type dining and drinking facility.

- B. A rope, chain or similar temporary and removable apparatus must enclose all sidewalk cafes to prevent patrons from interfering with pedestrian traffic.
- C. No sidewalk cafe shall be permitted to operate earlier than 7:00 a.m. or later than 10:00 p.m.
- D. During nonoperating hours, all chairs, tables, umbrellas, ropes, etc., shall be removed from the public sidewalk.
- E. The public sidewalk used as a sidewalk cafe shall be thoroughly cleaned, by sweeping, mopping or otherwise, immediately upon closing the sidewalk cafe on any given day.
- F. No garbage or trash shall be stored on the public sidewalk, in cans, bags or otherwise.

§ 160-8.21. Storage of bulk fuels and flammable materials.

Outdoor aboveground storage of heating fuel, liquid propane or other flammable or combustible liquids used in the conduct of a commercial business as fuel for on-site consumption or for on-site sale to others shall be permitted only subject to the following requirements:

- A. No aboveground storage tank for heating fuel, liquid propane or other flammable or combustible liquid shall be located closer than 20 feet to any street line or 10 feet to any lot line.
- B. Any aboveground storage tank of any size located within 35 feet of any street line shall be protected from vehicle damage by appropriate barriers.
- C. All such tanks shall be screened and/or landscaped to the extent satisfactory to the Planning Board.

§ 160-8.22. Swimming pools.

All swimming pools shall comply with the following requirements:

- A. No pool shall be located in any established front or side yard.
- B. All pools shall be enclosed by a fence or a wall at least four feet in height, with the following exception: An aboveground pool with walls at least four feet in height and having retractable stairs which can be locked in place or otherwise secured does not require a fence or wall.
- C. Adequate provisions for filling a pool shall be made, subject to written request to, and approval by, the Village Water Department.
- D. Provisions shall be made so that draining of said pool shall be accomplished without the use of the Village sanitary sewer system.

§ 160-8.23. Truckload sales.

- A. A permit issued by the Code Enforcement Officer shall be required for the establishment or conduct of any outdoor market, subject to the following requirements:
 - (1) Sales shall be temporary and last no more than three days per sale, with no more than two sales per calendar year on the same parcel.
 - (2) The Code Enforcement Official's determination that adequate off-street parking exists on the sale site.

- (3) Trucks shall not be left idling during sale or nonsale hours.
- (4) Meets all sign permit requirements.
- (5) Not less than seven days prior to commencement of the sale, submit to the Code Enforcement Official a complete application, to include:
 - (a) A copy of the vehicle registration.
 - (b) A copy of photo identification of the person responsible for conduct of the sale.
 - (c) Notarized permission from the owner for use of the site.
- B. No permit shall be issued:
 - (1) For location(s) and hours that would result in two such facilities simultaneously in operation within 600 feet of each other.
 - (2) If such truckload sale will eliminate existing parking spaces required for other uses on the premises.
- C. A single temporary sign may be displayed only at the location of the sale and only during business hours of the sale. The sign shall be professional in appearance and nonilluminated and shall not exceed 30 inches wide by 48 inches high.

§ 160-8.24. Village inn/hotel.

- A. If premises used as a Village hotel contains more than 10 sleeping rooms for transient guests, off-street parking in accordance with § 160-9.2 of this chapter shall be provided on site or within 400 feet of the entrance of the hotel at another accessible location under ownership or long-term lease.
- B. All buildings in the aggregate shall not result in lot coverage greater than 60%.
- C. There shall be no primary site access from a residential street.
- D. Any outdoor storage and/or trash dumpster(s) shall be fully enclosed and screened.
- E. There shall be no vending machines located outside of structures.

§ 160-9. OFF-STREET PARKING AND LOADING.

§ 160-9.1. Purpose.

Due to the visual prominence of parking lots in many developments and commercial establishments, the Village has identified the need to regulate the appearance and design of parking lots. Off-street parking spaces shall be provided for all commercial and community uses and are subject to the requirements of this § 160-9.

§ 160-9.2. Off-street parking and loading requirements common to all districts.

- A. Use and parking guidelines.
 - (1) The number of parking spaces shall be based on the need to protect public safety and convenience while minimizing harm to the character of the community and to environmental, historic and scenic resources. Parking requirements are based on the specific operational characteristics of proposed uses. The Planning Board shall determine the necessary parking for any proposed use, considering the following:

- (a) The maximum number of persons driving to the use at times of peak usage. Parking spaces shall be sufficient to satisfy 85% of the anticipated peak demand, including patrons and employees.
- (b) The size of the structure and the site.
- (c) Supporting documentation, provided by the developer, for the maximum number of spaces.
- (d) The use and parking guidelines in the following table.
- (2) Areas which may be computed as open or enclosed off-street parking spaces include:
 - (a) Any private garage or carport available for parking.
 - (b) A driveway within a front yard for a one- or two-family residence which may count as one parking space.
 - (c) Any parking area under common ownership or lease with the principal use located within 400 feet of the main entrance of such parking area. Such vehicle parking area shall be deemed to be required open space associated with the permitted use and shall not be encroached upon.

Use	Parking Guidelines
Bed-and-breakfast	1 space per guest room
Boardinghouse and rooming house	1 space per guest room
Church or other place of public assembly	1 space per 3 seats or 50-square-foot seating area where fixed
Coin-operated laundry	1 space per 2 machines for customer use
Commercial outside the Central Business District	1 space per 225 square feet of gross floor space
Duplex dwelling	2 spaces per dwelling unit
Dwelling townhome [Added 4-15-2008 by L.L. No. 3-2008]	1.5 spaces per dwelling unit
Eating and drinking places outside the Central Business District	1 space per 50 square feet available to patrons
Funeral homes	1 space per 20 square feet of public room
Home occupation	1 space per nonresident employee plus sufficient spaces for anticipated client traffic in addition to residential requirements
Industrial uses	1 space per 1.5 employees at the largest shift

Medical clinic	1 space per employee, plus 4 for each doctor, dentist or other primary service provider
Motel	1 space per guest room, plus 1/3 space for each employee
Motor vehicle repair facility or gasoline station	1 space per employee, plus 2 spaces for each service bay
Multiple-family dwelling	1.5 spaces per dwelling unit
Nursing home	1 space per 4-bed capacity, plus 1 for each 1.5 employees on the largest shift
Offices outside the Central Business District	1 space per 400 square feet of gross floor area
Rest home	1 space per 2 residents, plus 1 for each 1.5 employees on the largest shift
Schools	One space per 12 classroom seats or the public assembly requirements above, ^{24EN} whichever is greater
Single-family dwelling	2 spaces

B. Parking lot design common to all districts.

- (1) All parking areas shall be properly drained and shall be provided with a surface that minimizes dust, such as paving, crushed stone or gravel.
- (2) Each parking space in a parking lot shall be a minimum of nine feet wide by 19 feet deep and shall be served by an aisle not less than 20 feet wide.
- (3) Individual spaces shall be designated by striping where the parking area is paved, except for parking spaces accessory to one- or two-family dwellings.
- (4) For parking areas along lot lines bordering residential uses, the parking lot shall be screened. Refer to § 160-11, Lighting, and § 160-13, Landscaping.
- (5) Parking lots containing more than six spaces shall be fully screened from all adjacent residential properties.
- (6) Parking lots containing 16 or more spaces shall be landscaped as follows wherever feasible:
 - (a) Parking lots shall be internally landscaped to provide shade and visual relief.
 - (b) Curbed islands or peninsulas within the perimeter of the parking lot shall be planted.
- (7) Parking lots containing 32 or more parking spaces shall have interior landscaping of at least one tree per eight spaces.
- (8) Curb cuts and driveways.
 - (a) Entrance and exit lanes shall not be computed as parking spaces, except for driveways of one- and two-family residences, as in § 160-9.2A(2)(b) above.
 - (b) No curb cut shall be within 50 feet of an intersection.
 - (c) Unobstructed access to and from a street shall be provided.
 - [1] Access drives shall be of sufficient width to permit the free flow of cars both entering and leaving the parking area.

- [2] Access drives for any off-street parking area with a capacity of more than four spaces shall be located in a manner which ensures traffic safety and shall be subject to site plan review by the Planning Board.
 - [3] Access drives shall not have a grade in excess of 6% within 25 feet of any street line nor 10% at any other point.
 - (d) Access to the parking lot shall be one two-way curb cut or two curb cuts with one cut to provide ingress only and the second cut to provide egress only.
 - (e) In no case shall the curb cut for any commercial use be greater than 14 feet in width for one-way access or 24 feet in width for two-way access, with adjustment for curb radii.
 - (f) Corners.
 - [1] Where sites are located at a corner, access shall be provided by a single curb cut that shall be one-way, and an additional access shall also be provided from the secondary street.
 - [2] To minimize traffic impact, ingress shall be from a rear access street where feasible, rather than from multiple curb cuts.
 - (g) Curb cuts shall be separated by a minimum distance of 50 feet.
 - (h) Where interrupted by curb cuts, the continuity of sidewalk surfaces shall be maintained where the driveway material is interrupted.
 - (9) Except for new or used vehicle sale lots where permitted, no more than one vehicle not in current registration shall be stored outdoors, and all such vehicles shall be screened from neighboring properties.
- C. Off-street loading guidelines.
- (1) Off-street loading shall be provided for all uses and shall be in accordance with the following guidelines where feasible:

Gross Floor Area (square feet)	Off-Street Loading Guidelines
Less than 8,000	None
Between 8,000 and 25,000	1
Each additional 25,000 or fraction thereof up to 100,000	1
Each additional 50,000 or fraction thereof over 100,000	1

- (2) All permitted or required loading berths shall comply with the following:
 - (a) Shall be on the same lot as the use to which they are accessory, except as provided in Subsection C(2)(c) below.
 - (b) No off-street loading berth shall be located in any established front yard.
 - (c) Joint facilities. Permitted or required loading berths may be provided in spaces designed to serve jointly two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the aggregate of those required for participating uses.

§ 160-9.3. Residential (to include all residential districts).

- A. Parking lots shall be provided at the rear of the building unless side parking is the only feasible location. Side parking lots shall be fully screened from public view. Refer to § 160-13, Landscaping.
- B. No parking shall be allowed in the established front yard of any use in any residential district, except in the driveway of a one- or two-family residence.

§ 160-9.4. Central Business (CB) District.

Currently existing on-street parking and parking in public or private parking lots within the Central Business District shall count toward satisfying the parking needs for uses in the Central Business District.

§ 160-9.5. General Business (GB) District.

- A. Parking lots shall be provided at the rear of the building unless side parking is the only feasible location. Side parking lots shall be fully screened from public view. Refer to § 160-13, Landscaping.
- B. Drive-in or drive-through facilities.
 - (1) Street access points and queuing areas shall be sited in a manner which does not create safety hazards to pedestrians or motorists and which does not increase traffic congestion on existing streets.
 - (2) The parking area shall be located between the building and the queuing lane, wherever possible.
 - (3) The drive-through window shall be located such that the maximum anticipated vehicle queue awaiting service shall not extend beyond the front facade of the building.
- C. Adjacent developments shall have mutual access via internal driveway links, in order to facilitate traffic and control access on the main road. Applicants shall provide, at the time of permitting, cross-access easements for adjacent lots with interconnected parking.

§ 160-9.6. Village Gateway (VG) District.

- A. Adjacent developments shall have mutual access via internal driveway links in order to facilitate traffic and control access on the main road. Applicants shall provide, at the time of permitting, cross-access easements for adjacent lots with interconnected parking.
- B. Drive-in or drive-through facilities.
 - (1) Street access points and queuing areas shall be sited in a manner that does not create safety hazards to pedestrians or motorists and that does not increase traffic congestion on existing streets.
 - (2) Wherever possible, the parking area shall be located between the building and the queuing lane.
 - (3) The drive-through window shall be located such that the maximum anticipated vehicle queue awaiting service shall not extend beyond the front facade of the building.

§ 160-9.7. Mixed Use Districts (MU 1 and MU 2).

- A. Currently existing on-street parking within the Mixed Use District 1 shall count towards satisfying the parking requirements for uses in this district. However, the total on- and off-street parking for commercial uses within this district shall not exceed one space per 300 square feet of commercial building use. On-street parking in the Mixed Use District 2 (MacArthur Avenue) shall be allowed only on one side of the street.
- B. Adjacent developments shall have mutual access via internal driveway links in order to facilitate traffic and control access on the main road. Applicants shall provide, at the time of permitting, cross-access easements for adjacent lots with interconnected parking.
- C. Drive-in or drive-through facilities.
 - (1) Street access points and queuing areas shall be sited in a manner that does not create safety hazards to pedestrians or motorists and that does not increase traffic congestion on existing streets.
 - (2) Wherever possible, the parking area shall be located between the building and the queuing lane.
 - (3) The drive-through window shall be located such that the maximum anticipated vehicle queue awaiting service shall not extend beyond the front facade of the building.

§ 160-9.8. Commercial-Industrial (C-I) District.

Adjacent developments shall have mutual access via internal driveway links in order to facilitate traffic and control access on the main road. Applicants shall provide, at the time of permitting, cross-access easements for adjacent lots with interconnected parking.

§ 160-10. SIGNS.

§ 160-10.1. Purpose.

The purpose of this § 160-10 is to regulate existing and proposed signs in order to:

- A. Direct the public to activities and enterprises.
- B. Enhance and protect the physical appearance and character of the Village of Cobleskill consistent with the Comprehensive Plan.
- C. Create and promote an attractive business climate.
- D. Protect and enhance property values.
- E. Reduce possible traffic and safety hazards.

§ 160-10.2. Administration; permits.

- A. Permits required. Except as otherwise provided in this Code, it shall be unlawful for any person to erect, alter, locate, relocate, move, enlarge, or reconstruct a sign visible from any public street, sidewalk or parking area without first obtaining a sign permit by the Code Enforcement Officer.
 - (1) Each application for a sign permit shall include the following:

- (a) The name of the sign owner.
 - (b) The party responsible for maintenance of the sign.
 - (c) A scale drawing of the sign showing:
 - [1] Type of sign.
 - [2] Dimensions.
 - [3] Materials.
 - [4] Method and style of illumination.
 - [5] Method of structural support and letter sizes.
 - [6] Colors.
 - (d) A drawing or photograph showing:
 - [1] The sign's location on the land or building in relation to existing buildings, roadways, driveways, sidewalks.
 - [2] Any other signs existing on the parcel.
 - (e) The Village may ask for additional information reasonably related to the application.
- (2) For signs that will be erected in connection with, and within one year of completion of, a project requiring site plan approval, the Planning Board will provide sign approval according to the site plan review process.
 - (3) If site plan approval is not required for an application:
 - (a) Signs shall be approved and permitted by the CEO in accordance with the provisions of this § 160-10.
 - (b) A completed application for a permanent sign permit shall be acted upon within 30 business days by the CEO and if not denied within such time shall be deemed permitted.
 - (4) If, at any time after a sign application is approved, there is a change in ownership of the property related to the sign, a new sign application must be filed by the owner of the property or other responsible party.
- B. Fees.
- (1) Except as may be otherwise provided herein, no sign permit, temporary or permanent, shall be issued until the application fee is paid to the Village Clerk. The amounts of such fees shall be established and revised from time to time by the Village of Cobleskill Board of Trustees.
 - (2) The fee shall be doubled where a sign has been erected or placed upon the premises prior to obtaining the required permit, but the payment of such fee shall not release any person from duly complying with all requirements of this chapter.
- C. Revocation of permit. The CEO may at any time for a violation of this chapter revoke any sign permit. Notice of such revocation and the reason therefor, in writing, shall be served by the CEO upon the person named in the application by mailing the same to the address given in the application and upon the last known owner of the premises on which the sign is placed by mailing the same to his last known address as shown on the assessment roll of the Village. If a sign is not removed within five days of the service of such revocation, the CEO is authorized to cause the removal of the sign. The cost of the removal shall be borne by the owner of the property on which such sign was erected and shall become a lien upon such property until paid.
- D. Exemptions. The following signs shall be exempt from the sign area and permit

requirements of this § 160-10:

- (1) Nonilluminated signs not exceeding one square foot in area and bearing only property numbers, postbox numbers, or names of occupants of premises.
- (2) Legal notices, identification, information or directional signs erected by governmental bodies.
- (3) Theater marquees.
- (4) One nonilluminated occupational sign denoting only the name and profession of an occupancy in a commercial building or dwelling and not exceeding one square foot in area and attached directly to the building.
- (5) Signs prohibiting hunting, fishing or trespassing.
- (6) Signs not exceeding eight square feet in area displaying only gasoline price information and permanently attached to a building, pump island, freestanding sign or the ground and located at least 15 feet from the curbline or edge of pavement.
- (7) Commemorative plaques such as those used for memorial signs and historical building name register signs.
- (8) Signs that appear on the interior of a structure, including but not limited to internal stadium signs.

§ 160-10.3. Sign regulations standard to all districts.

A. Sign area calculation.

- (1) The area of a sign shall be determined by the smallest rectangle that encompasses all the letters or symbols which form an integral part of the display.
- (2) The area of a two-sided sign shall be the smallest rectangle that encompasses all the letters or symbols which form an integral part of the larger of the two displays.

B. Sign restrictions.

- (1) No more than one freestanding sign shall be allowed per parcel.
- (2) No more than one parallel or perpendicular sign shall be allowed per business.
- (3) The total area of all signs shall not exceed the total allowable sign area.
- (4) The maximum letter height for all freestanding signs within 36 feet of the curbline shall be as follows:
 - (a) Where the legal speed limit is 30 miles per hour or lower, letter height shall be no greater than eight inches.
 - (b) Where the legal speed limit is 40 miles per hour, letter height shall be no greater than 10 inches.
 - (c) Where the legal speed limit is 45 miles per hour or higher, letter height shall be no greater than 12 inches.
- (5) Where freestanding signs are located beyond 36 feet from the curbline, the maximum letter height may be increased one inch for each additional 10 feet of setback.
- (6) Internally illuminated signs, logos and graphics are prohibited.
- (7) External sign illumination shall not shine directly onto residential properties. In addition, reflected light (light trespass) shall not exceed five footcandles at any point beyond the property line.
- (8) Attached signs shall not extend above the eave line or building face, except in

- the case of a mansard roof extending down to the top of the first-floor facade.
- (9) No sign shall create a traffic or pedestrian hazard.
 - (10) No signs shall appear to regulate traffic, to warn, or to resemble official traffic signs, signals or devices.
 - (11) No sign or promotional device, including flags and pennants, shall move or flash or include any device on which the artificial light is not maintained stationary and constant in intensity and color at all times, except one single cloth flag per business establishment.
 - (12) The outlining by direct or internal illumination of all or part of a building, structure, or landscaping element, including but not limited to an awning, gable, roof, wall, side or corner, tree, or shrub, is prohibited.
 - (13) No exterior sign, except for window graphics, shall cover any window, nor shall any sign block any door or fire exit.
 - (14) Portable signs are prohibited in all districts.
 - (15) All signs associated with a business shall be removed within 30 days after cessation of the business.
- C. Temporary signs. Temporary signs are permitted with the following provisions:
- (1) Temporary signs, banners or posters may be displayed only if a temporary sign permit has been issued.
 - (2) Temporary signs shall be no larger than 16 square feet in area. Temporary window graphics or signs, such as those advertising sales, special promotions and the like, may occupy no more than 20% of the total window area. Temporary signs, other than political signs, may be displayed a maximum of five days before the event, up to five days during the event, and not more than four days after the event.
 - (3) Not more than three temporary sign permits shall be issued in any calendar year per business.
 - (4) No temporary sign shall exceed 16 square feet nor be located in any manner which creates a public hazard or disturbance.
 - (5) Temporary signs may not be hung in such a manner as to impair or impede sight distances.
 - (6) Temporary signs must be removed within 48 hours after the expiration of the permit. There will be a penalty, as determined by the Village of Cobleskill Board of Trustees, for each day said sign is not removed after expiration of the permit. Alternatively, the Code Enforcement Officer is authorized to cause the removal of the sign. The cost of the removal shall be borne by the owner of the property on which such sign was erected and shall become a lien upon such property until paid.
- D. Sandwich board signs.
- (1) These standards are designed to provide an avenue for commercial establishments to effectively communicate with the pedestrian public while maintaining an orderly and attractive streetscape. Sandwich board signs:
 - (a) May be located only in the Central Business District, the General Business District, and the Combined Residential Business Overlay District.
 - (b) May be put out only during "open" hours of the business advertised.
 - (c) Shall not obstruct the free use of the sidewalk for pedestrian traffic or Village

maintenance.

- (d) Shall be a maximum of 30 inches wide by 48 inches high.
- (e) Shall not be illuminated either directly or indirectly.
- (f) May be shared by two or more businesses.
- (g) Shall only be on the same property as the business advertised.
- (2) No business shall have more than one sandwich board sign.
- E. Maintenance and safety of signs.
 - (1) It shall be the responsibility of the property owner and/or the person responsible for the sign to ensure that all signs placed on his property:
 - (a) Are installed in compliance with § 160-10.
 - (b) Are maintained in a safe and presentable condition.
 - (c) Representing establishments no longer on the premises shall be removed within 30 days from the date that the establishment ceases to do business on the property, as provided for in § 160-10.3B(15).
 - (2) No sign shall create a public hazard.
 - (3) Unsafe signs. Should a sign be or become insecure or in danger of falling or otherwise unsafe as determined by the Code Enforcement Official, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Code Enforcement Official and in any case within five days thereafter, secure the same in a manner to be approved by the Code Enforcement Official. If such order is not complied with, the Code Enforcement Official is hereby authorized to cause removal of the unsafe sign, and the owner of the building, structure or premises on which such sign is located shall pay any expense thereby incurred. When any sign is in such dangerous condition as to be immediately dangerous to the safety of the public, the Code Enforcement Official is hereby authorized to take such action as in his opinion shall be necessary to protect the public or property. The owner of the property on which such sign was erected shall bear the cost of the removal, and the cost shall become a lien upon such property until paid.
- F. Nonconformance and removal (amortization). All signs which are located in the Village of Cobleskill must be in compliance with the provisions of § 160-10 of this chapter. Except for any billboard or like advertising device which is leased or rented in an area zoned industrial or manufacturing, any sign that is in existence on the date of the enactment of this section that fails to be in compliance with these provisions shall be removed or brought into full compliance at the termination of 10 years from the filing of this chapter with the New York Department of State. Owners or lessees of billboards or like advertising devices which are located in an area zoned industrial or manufacturing and which must be removed to be in compliance with this chapter shall be compensated in accordance with the provisions of New York State General Municipal Law § 74-c, Subdivision 1, and the New York State Eminent Domain Procedure Law.

§ 160-10.4. Residential (to include all residential districts).

- A. Signs shall be no larger than three square feet.
- B. No signs shall be illuminated either externally or internally.
- C. Signs identifying commercial uses or home occupations located in any residential

district shall be subject to all sign requirements, limitations and prohibitions applicable to the Central Business District as described in § 160-10.5, Central Business (CB) District, except as noted in § 160-10.4A and B above.

§ 160-10.5. Central Business (CB) District.

A. Parallel.

- (1) The maximum sign area shall be 1.2 square feet per linear foot of building frontage.
- (2) Individual nameplates, measuring one square foot or less, may be attached in a coordinated manner located on the first floor to identify businesses located on the upper floors.
- (3) The maximum sign height shall be two feet.
- (4) Signs shall project a maximum of 12 inches from the face of the building.

B. Perpendicular.

- (1) The maximum sign area shall be 12 square feet.
- (2) Clearance from ground.
 - (a) Signs shall have a minimum clearance of 8 1/2 feet from the ground or sidewalk and may project out from the building for four feet or 1/3 of the sidewalk width, whichever is less.
 - (b) If the sign can be hung so it is protected by a pedestrian barrier, such as a railing, wall, planter or similar barrier (not erected on the public right-of-way) and will not pose a hazard to pedestrians, it may be hung with a clearance of less than 8 1/2 feet.

C. Permanent window graphics.

- (1) Permanent window graphics:
 - (a) Shall occupy not more than 20% of the total window area if applied on a background color.
 - (b) Shall occupy not more than 50% of the total window area if applied with no background color.
- (2) In buildings where business or professional offices occupy upper floors, such business or professional offices may display window graphics as allowed under these regulations.

D. Freestanding pole-mounted and ground-supported.

- (1) The maximum sign area shall be 12 square feet.
- (2) The maximum sign height, measured vertically from ground elevation to the highest point of the sign, shall be:
 - (a) Nine feet for any freestanding pole-mounted sign.
 - (b) Seven feet for any ground-supported sign integrally mounted upon a planter which is not less than two feet in height.
 - (c) Six feet for any other ground-supported sign.
- (3) All freestanding pole-mounted and ground-supported signs shall be located 10 feet or more from the curblane.
- (4) Freestanding structures which represent a business or corporate logo, trademark, symbol or other commercial representation other than a company name or product shall be considered freestanding ground-supported or pole-mounted signs and shall be subject to the number, height, area and setback requirements

stated herein.

- E. Retractable awning. Wording or symbols to identify a business may be included on a retractable awning and shall not be included in the calculation of the total sign area allowed to that business, provided that no perpendicular sign is used.
- F. Sandwich board sign: shall not extend more than 36 inches from the face of the building.

§ 160-10.6. General Business (GB) District.

A. Parallel.

- (1) The maximum sign area shall be 1.2 square feet per linear foot of building frontage.
- (2) Individual nameplates, measuring one square foot or less, may be attached in a coordinated manner located on the first floor to identify businesses located on the upper floors.
- (3) Signs shall project no more than 12 inches from the face of the building.

B. Perpendicular.

- (1) The maximum sign area shall be 12 square feet plus an additional four square feet for each additional business on the same parcel and advertised on the same sign, up to a maximum total of 20 square feet.
- (2) Clearance from ground.
 - (a) Signs shall have a minimum clearance of 8 1/2 feet from the ground or sidewalk and may project out from the building for four feet or 1/3 the sidewalk width, whichever is less.
 - (b) If the sign can be hung so it is protected by a pedestrian barrier, such as a railing, wall, planter or similar barrier (not erected on the public right-of-way) and will not pose a hazard to pedestrians, it may be hung with a clearance of less than 8 1/2 feet.

C. Permanent window graphics.

- (1) Permanent window graphics:
 - (a) Shall occupy not more than 20% of the total window area if applied on a background color.
 - (b) Shall occupy not more than 50% of the total window area if applied with no background color.
- (2) In buildings where upper floors are occupied by business or professional offices, such business or professional offices may display window graphics as allowed under these regulations.

D. Freestanding pole-mounted and ground-supported.

- (1) The maximum sign area shall be 20 square feet for a single business, plus an additional five square feet for each additional business on the same property advertised on the same sign.
- (2) The maximum sign height, measured vertically from ground elevation to the highest point of the sign, shall be:
 - (a) Nine feet for any freestanding pole-mounted sign.
 - (b) Seven feet for any ground-supported sign integrally mounted upon a planter which is not less than two feet in height.
 - (c) Six feet for any other ground-supported sign.

- (3) All freestanding pole-mounted and ground-supported signs shall be located 10 feet or more from the curbline.
- (4) Freestanding structures which represent a business or corporate logo, trademark, symbol or other commercial representation other than a company name or product shall be considered freestanding ground-supported or pole-mounted signs and shall be subject to the number, height, area and setback requirements stated herein.
- E. Retractable awning. Wording or symbols to identify a business may be included on a retractable awning and shall not be included in the calculation of the total sign area allowed to that business, provided that no perpendicular sign is used.
- F. Sandwich board sign: shall be located between the sidewalk and the business it advertises.

§ 160-10.7. Village Gateway (VG) District.

A. Parallel.

- (1) The maximum sign area shall be 1.2 square feet per linear foot of building frontage.
- (2) Individual nameplates, measuring one square foot or less, may be attached in a coordinated manner located on the first floor to identify businesses located on the upper floors.
- (3) The maximum sign height shall be three feet.
- (4) Signs shall project a maximum of 12 inches from the face of the building.

B. Perpendicular.

- (1) The maximum sign area shall be 12 square feet plus an additional four square feet for each additional business on the same parcel and advertised on the same sign, up to a maximum total of 20 square feet.
- (2) Clearance from ground.
 - (a) Signs shall have a minimum clearance of 8 1/2 feet from the ground or sidewalk and may project out from the building for four feet or 1/3 the sidewalk width, whichever is less.
 - (b) If the sign can be hung so it is protected by a pedestrian barrier, such as a railing, wall, planter or similar barrier (not erected on the public right-of-way) and will not pose a hazard to pedestrians, it may be hung with a clearance of less than 8 1/2 feet.

C. Permanent window graphics.

- (1) Permanent window graphics:
 - (a) Shall occupy not more than 20% of the total window area if applied on a background color.
 - (b) Shall occupy not more than 50% of the total window area if applied with no background color.
- (2) In buildings where upper floors are occupied by business or professional offices, such business or professional offices may display window graphics as allowed under these regulations.

D. Freestanding pole-mounted and ground-supported.

- (1) Maximum sign area shall be 40 square feet for one business plus an additional 10 square feet for each additional business on the same property advertised on the

- same sign.
- (2) The maximum sign height, measured vertically from ground elevation to the highest point of the sign, shall be:
 - (a) Twenty feet for any freestanding pole-mounted sign.
 - (b) Eight feet for any ground-supported sign integrally mounted upon a planter which is not less than two feet in height.
 - (c) Nine feet for any other ground-supported sign.
 - (3) All freestanding pole-mounted and ground-supported signs shall be located 10 feet or more from the curbline.
 - (4) Freestanding structures which represent a business or corporate logo, trademark, symbol or other commercial representation other than a company name or product shall be considered freestanding ground-supported or pole-mounted signs and shall be subject to the number, height, area and setback requirements stated herein.
- E. Retractable awning. Wording or symbols to identify a business may be included on a retractable awning and shall not be included in the calculation of the total sign area allowed to that business, provided that no perpendicular sign is used.

§ 160-10.8. Mixed Use Districts (MU 1, MU 2 and MU 3). [Amended 1-19-2010 by L.L. No. 1-2010]

A. Parallel.

- (1) The maximum sign area shall be 1.2 square feet per linear foot of building frontage.
- (2) Individual nameplates, measuring one square foot or less, may be attached in a coordinated manner located on the first floor to identify businesses located on the upper floors.
- (3) Signs shall project no more than 12 inches from the face of the building.

B. Perpendicular.

- (1) The maximum sign area shall be 12 square feet plus an additional four square feet for each additional business on the same parcel and advertised on the same sign, up to a maximum total of 20 square feet.
- (2) Clearance from ground.
 - (a) Signs shall have a minimum clearance of 8 1/2 feet from the ground or sidewalk and may project out from the building for four feet or 1/3 the sidewalk width, whichever is less.
 - (b) If the sign can be hung so it is protected by a pedestrian barrier, such as a railing, wall, planter or similar barrier (not erected on the public right-of-way) and will not pose a hazard to pedestrians, it may be hung with a clearance of less than 8 1/2 feet.

C. Permanent window graphics.

- (1) Permanent window graphics:
 - (a) Shall occupy not more than 20% of the total window area if applied on a background color.
 - (b) Shall occupy not more than 50% of the total window area if applied with no background color.
- (2) In buildings where business or professional offices occupy upper floors, such business or professional offices may display window graphics as allowed under

these regulations.

D. Freestanding pole-mounted and ground-supported.

- (1) The maximum sign area shall be 20 square feet for a single business, plus an additional five square feet for each additional business on the same property advertised on the same sign.
- (2) The maximum sign height, measured vertically from ground elevation to the highest point of the sign, shall be:
 - (a) Nine feet for any freestanding pole-mounted sign.
 - (b) Seven feet for any ground-supported sign integrally mounted upon a planter which is not less than two feet in height.
 - (c) Six feet for any other ground-supported sign.
- (3) All freestanding pole-mounted and ground-supported signs shall be located 10 feet or more from the curblane.
- (4) Freestanding structures which represent a business or corporate logo, trademark, symbol or other commercial representation other than a company name or product shall be considered freestanding ground-supported or pole-mounted signs and shall be subject to the number, height, area and setback requirements stated herein.

E. Retractable awning. Wording or symbols to identify a business may be included on a retractable awning and shall not be included in the calculation of the total sign area allowed to that business, provided that no perpendicular sign is used.

§ 160-10.9. Commercial-Industrial (C-I) District.

A. Parallel.

- (1) The maximum sign area shall be 1.2 square feet per linear foot of building frontage.
- (2) Individual nameplates, measuring one square foot or less, may be attached in a coordinated manner located on the first floor to identify businesses located on the upper floors.
- (3) The maximum sign height shall be three feet.
- (4) Signs shall project a maximum of 12 inches from the face of the building.

B. Perpendicular.

- (1) The maximum sign area shall be 12 square feet plus an additional four square feet for each additional business on the same parcel and advertised on the same sign, up to a maximum total of 20 square feet.
- (2) Clearance from ground.
 - (a) Signs shall have a minimum clearance of 8 1/2 feet from the ground or sidewalk and may project out from the building for four feet or 1/3 the sidewalk width, whichever is less.
 - (b) If the sign can be hung so it is protected by a pedestrian barrier, such as a railing, wall, planter or similar barrier (not erected on the public right-of-way) and will not pose a hazard to pedestrians, it may be hung with a clearance of less than 8 1/2 feet.

C. Permanent window graphics.

- (1) Permanent window graphics:
 - (a) Shall occupy not more than 20% of the total window area if applied on a

- background color.
- (b) Shall occupy not more than 50% of the total window area if applied with no background color.
- (2) In buildings where business or professional offices occupy upper floors, such business or professional offices may display window graphics as allowed under these regulations
- D. Freestanding pole-mounted and ground-supported.
 - (1) Maximum sign area shall be 40 square feet for one business plus an additional 10 square feet for each additional business on the same property advertised on the same sign.
 - (2) The maximum sign height, measured vertically from ground elevation to the highest point of the sign, shall be:
 - (a) Twenty feet for any freestanding pole-mounted sign.
 - (b) Eight feet for any ground-supported sign integrally mounted upon a planter which is not less than two feet in height.
 - (c) Seven feet for any other ground-supported sign.
 - (3) All freestanding pole-mounted and ground-supported signs shall be located 10 feet or more from the curblane.
 - (4) Freestanding structures which represent a business or corporate logo, trademark, symbol or other commercial representation other than a company name or product shall be considered freestanding ground-supported or pole-mounted signs and shall be subject to the number, height, area and setback requirements stated herein.
- E. Retractable awning. Wording or symbols to identify a business may be included on a retractable awning and shall not be included in the calculation of the total sign area allowed to that business, provided that no perpendicular sign is used.

§ 160-10.10. Fairgrounds (FG) District.

- A. Permanent signs.
 - (1) Parallel.
 - (a) The maximum sign area shall be 1.2 square feet per linear foot of building frontage.
 - (b) Individual nameplates, measuring one square foot or less, may be attached in a coordinated manner located on the first floor to identify businesses located on the upper floors.
 - (c) Signs shall project no more than 12 inches from the face of the building.
 - (2) Perpendicular.
 - (a) The maximum sign area shall be 12 square feet plus an additional four square feet for each additional business on the same parcel and advertised on the same sign, up to a maximum total of 20 square feet.
 - (b) Clearance from ground.
 - [1] Signs shall have a minimum clearance of 8 1/2 feet from the ground or sidewalk and may project out from the building for four feet or 1/3 the sidewalk width, whichever is less.
 - [2] If the sign can be hung so it is protected by a pedestrian barrier, such as a railing, wall, planter or similar barrier (not erected on the public right-

of-way) and will not pose a hazard to pedestrians, it may be hung with a clearance of less than 8 1/2 feet.

- (3) Permanent window graphics.
 - (a) Permanent window graphics:
 - [1] Shall occupy not more than 20% of the total window area if applied on a background color.
 - [2] Shall occupy not more than 50% of the total window area if applied with no background color.
 - (b) In buildings where upper floors are occupied by business or professional offices, such business or professional offices may display window graphics as allowed under these regulations.
- (4) Freestanding pole-mounted and ground-supported.
 - (a) The maximum sign area shall be 20 square feet for a single business, plus an additional five square feet for each additional business on the same property advertised on the same sign.
 - (b) The maximum sign height, measured vertically from ground elevation to the highest point of the sign, shall be:
 - [1] Nine feet for any freestanding pole-mounted sign.
 - [2] Seven feet for any ground-supported sign integrally mounted upon a planter which is not less than two feet in height.
 - [3] Six feet for any other ground-supported sign.
 - (c) All freestanding pole-mounted and ground-supported signs shall be located 10 feet or more from the curbline.
 - (d) Freestanding structures which represent a business or corporate logo, trademark, symbol or other commercial representation other than a company name or product shall be considered freestanding ground-supported or pole-mounted signs and shall be subject to the number, height, area and setback requirements stated herein.
- B. Retractable awning. Wording or symbols to identify a business may be included on a retractable awning and shall not be included in the calculation of the total sign area allowed to that business, provided that no perpendicular sign is used.
- C. Temporary signs. Temporary signs located in the Fairgrounds District and associated with fairgrounds-sponsored events shall be exempt from Village sign regulations.

§ 160-10.11. Combined Residential Business Overlay (CRB) District.

- A. Signs shall be no larger than three square feet.
- B. No signs shall be illuminated either externally or internally.
- C. Signs identifying commercial uses or home occupations located in the Combined Residential Business Overlay District shall be subject to all sign requirements, limitations and prohibitions applicable to the Central Business District as described in § 160-10.5, except as noted in § 160-10.11A and B above.
- D. Sandwich board sign: shall be located between the sidewalk and the business it advertises.

§ 160-11. LIGHTING.

§ 160-11.1. Purpose.

This § 160-11 sets criteria for providing lighting in outdoor public places where safety and security are concerns. It also provides for criteria to protect drivers and pedestrians from disabling glare from nonvehicular light sources that might otherwise shine directly into their eyes and thereby impair safe travel and to protect neighbors from nuisance glare from poorly aimed or poorly shielded light sources.

§ 160-11.2. Standards common to all zoning districts.

A. Illumination.

- (1) On-site lighting shall be fully shielded and located to avoid harsh glares. All outdoor fixtures installed and thereafter maintained, other than those serving one- or two-family dwellings, shall comply with the criteria as specified below. All outdoor light fixtures using an incandescent lamp of no more than 150 watts are exempt from all requirements of this section.
- (2) Fully shielded light fixtures shall be used for security purposes or to illuminate walkways, roadways and parking lots. Fully shielded fixtures or full cutoff fixtures are required. For luminaires on poles, the pole height to spacing ratio shall be not more than 1:6 (for example, an eighteen-foot pole height and a pole-to-pole spacing of 108 feet).
- (3) Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
- (4) Externally illuminated building identification signs or other signs shall use fully shielded light fixtures.

B. Light trespass and glare. All light fixtures shall be designed, installed and maintained to prevent light trespass, as specified below:

- (1) Outdoor lighting, whether on private, commercial, industrial, municipal or institutional property, shall be designed, installed and maintained to avoid a disabling glare hazard to drivers or pedestrians. All reasonable measures, such as altering pole height, changing bulb type or using full cutoff fixtures, shall be taken to prevent nuisance glare onto neighboring properties.
- (2) Outdoor light fixtures properly installed and thereafter maintained shall be directed so that there will be no undue direct light emissions.
- (3) The Planning Board may, as part of site plan review, require that lighting be controlled by automatic timing devices to extinguish offending sources of glare during specified periods to mitigate glare consequences.
- (4) Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall vegetation, fences and similar screening methods be considered acceptable for reducing glare.

C. Fixture design.

- (1) Fixtures must be properly designed for the intended purpose. Lamps shall not be directly seen from normal viewing angles. Lamps shall be directed so that most light output is directed toward the surface to be lighted rather than emitted at undesirable angles. Lighting fixtures and lamp color shall be of a type and design

appropriate to the application and shall be aesthetically consistent with the character and style of the existing neighborhood.

- (2) Mercury vapor and quartz halogen lamps are prohibited light sources in the front yard area. Metal halide or color-corrected sodium light sources shall be used.

D. Height of poles and installation.

- (1) Electrical feeds to lighting standards shall be underground.
- (2) Lighting standards in parking areas shall be placed a minimum of five feet outside the paved lot area or five feet behind perimeter tire-stop locations or mounted on concrete pedestals at least 30 inches above the pavement or protected by other acceptable means.
- (3) The height of poles within parking lots shall not exceed 16 feet.

E. Maintenance. Lighting fixtures used for safety and security lighting shall be maintained in proper working order.

F. Plan submission. Lighting plans submitted for review and approval for subdivision and land development and site plan review shall include a layout of proposed fixture locations and a description of the equipment, glare control devices, lamps, mounting heights and means, hours of operation and maintenance methods proposed.

Illumination intensities shall be plotted on a ten-foot-by-ten-foot grid.

§ 160-11.3. Residential (to include all residential districts).

No additional standards.

§ 160-11.4. Central Business (CB) District.

No additional standards.

§ 160-11.5. General Business (GB) District.

A. Illumination.

- (1) The maximum height of a luminaire may not exceed 16 feet in parking areas and 12 feet along streets.

§ 160-11.6. Village Gateway (VG) District.

A. Illumination.

- (1) The maximum height of a luminaire may not exceed 14 feet along streets.

§ 160-11.7. Mixed Use Districts (MU 1, MU 2 and MU 3). [Amended 1-19-2010 by L.L. No. 1-2010]

A. Illumination.

- (1) The maximum height of a luminaire may not exceed 16 feet in parking areas and 12 feet along streets.

§ 160-11.8. Commercial-Industrial (C-I).

A. Illumination.

- (1) The maximum height of a luminaire may not exceed 14 feet along streets.

§ 160-12. BUILDING DESIGN STANDARDS.

§ 160-12.1. Purpose. [Amended 6-5-2007 by L.L. No. 8-2007]

Standards for new nonresidential uses are designed to help maintain and enhance the traditional streetscape and Village atmosphere of the Village of Cobleskill, while allowing for additional commercial growth. Structures that are visible from a public road shall be in keeping with traditional colonial or Victorian architecture in the Village, design, massing, materials and placement and to harmonize with traditional elements in the architectural fabric of the area.

§ 160-12.2. Standards common to all zoning districts.

A. Architectural elements permitted:

- (1) Traditional roof detailing, including but not limited to dormers, belvederes, masonry chimneys, cupolas, clock towers and other similar elements.
- (2) Siding of traditional-appearing materials such as brick, horizontal wood, simulated clapboard siding or indigenous stone.
- (3) Architectural design in keeping with the character of the Village of Cobleskill, using elements that include but are not limited to porches, shutters, traditional windows and doors and peaked, shingled roofs. When reviewing architectural design features, the Planning Board will evaluate if the proposed project is in keeping with original or surrounding character of the Village by considering:
[Amended 6-5-2007 by L.L. No. 8-2007]
 - (a) The general design, character and appropriateness to the property.
 - (b) The scale of proposed construction in relation to the property itself, surrounding properties and the general Village ambience.
 - (c) Texture, materials and color and the relation to similar features of other properties in the Village of Cobleskill.
 - (d) Visual compatibility with the general Village ambience, including proportion of the property's front facade, roof shape, spacing of properties on the street and setbacks.

B. Architectural elements prohibited:

- (1) No building shall have large areas of blank wall sections facing any street. [See § 160-5, Area and Bulk Regulations, § 160-5.2, Schedule of Area and Bulk Regulations for Residential Uses and for Nonresidential and Commercial Structures, Subsection A(2), Nonresidential and commercial structures, "Maximum Building Frontage/Maximum Between Facade Breaks (feet)."]
- (2) Trademarked architecture shall not be permitted unless it is otherwise consistent with this chapter. [Amended 6-5-2007 by L.L. No. 8-2007]

C. Design requirements.

- (1) Buildings on corner lots shall be treated as if they have two front facades.
- (2) All air-conditioning units, heating, ventilating and air-conditioning (HVAC) systems, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the sidewalk and/or the public right-of-way.

§ 160-12.3. Residential (to include all residential districts).

A. Architectural elements prohibited:

- (1) No poured concrete or concrete block walls, except those constructed of architectural block, shall be exposed to view from a public way.

§ 160-12.4. Central Business (CB) District.

A. Architectural elements prohibited:

- (1) Mansard roofs are prohibited.
- (2) No poured concrete or concrete block walls, except those constructed of architectural block, shall be exposed to view from a public way.

§ 160-12.5. General Business (GB) District.

A. Property owners are encouraged to adapt existing residential buildings for new uses and to design adjacent buildings to complement existing architecture.

B. Architectural elements prohibited:

- (1) Mansard roofs are prohibited.
- (2) Flat roofs are prohibited.
- (3) No poured concrete or concrete block walls, except those constructed of architectural block, shall be exposed to view from a public way.

§ 160-12.6. Village Gateway (VG) District.

No additional standards.

§ 160-12.7. Mixed Use Districts (MU 1, MU 2 and MU 3). [Amended 1-19-2010 by L.L. No. 1-2010]

No additional standards.

§ 160-12.8. Commercial-Industrial (C-I) District.

No additional standards.

§ 160-13. LANDSCAPING REQUIREMENTS.

§ 160-13.1. Purpose.

Existing vegetation and new plants help integrate new development into the Village, help maintain visual quality, screen and buffer adjacent uses and soften or mitigate negative impacts of new development. All new commercial, community uses and parking lots are required to meet landscape standards.

§ 160-13.2. Standards common to all zoning districts.

- A. Landscaping shall be an integral part of the entire project and shall buffer the site from and/or integrate the site with the surrounding area and mitigate impacts on**

adjacent residential properties whenever possible.

- B. Existing trees shall be maintained, where feasible. Building placement and lot layout should be designed to relate to and incorporate existing trees, especially mature trees.
- C. Trees.
 - (1) New trees shall have a minimum caliper size of 2 1/2 inches.
 - (2) Spacing of trees shall be determined by the Planning Board during site plan review, not to exceed 30 feet.
 - (3) Planting of trees should be restricted within 15 feet of intersections or driveways.
- D. All required landscape elements shall be maintained in a healthy condition and shall be replaced with similar materials if they die.

§ 160-13.3. Residential (to include all residential districts). [Amended 4-15-2008 by L.L. No. 3-2008]

In the RPUDD-1, a minimum planting of two new trees, with a minimum caliper size of two inches, per Townhome or multifamily dwelling.

§ 160-13.4. Central Business (CB) District.

No additional standards.

§ 160-13.5. General Business (GB) District.

- A. The area between the sidewalk and the structure shall be fully dedicated to street amenities and landscaping, such as street trees, shrubs, lawn, patios, porticos, street furniture, entrance sidewalks and related items, except where interrupted by necessary vehicular or pedestrian access.
- B. The area between the sidewalk and the curb shall be entirely dedicated to landscaping, with emphasis on appropriate street trees, except for necessary interruptions for pedestrian or vehicular access. Sidewalk root guards can be installed to direct root growth away from sidewalks and utility lines.
- C. Sidewalks of a minimum of five feet in width are required on both sides of the street.
- D. Four-foot green landscaped edges between the road and the sidewalk are required.

§ 160-13.6. Village Gateway (VG) District.

- A. The area between the sidewalk and the structure shall be fully dedicated to street amenities and landscaping, such as street trees, shrubs, lawn, patios, porticos, street furniture, entrance sidewalks and related items, except where interrupted by necessary vehicular or pedestrian access.
- B. The area between the sidewalk and the curb shall be entirely dedicated to landscaping, with emphasis on appropriate street trees, except for necessary interruptions for pedestrian or vehicular access. Sidewalk root guards can be installed to direct root growth away from sidewalks and utility lines.
- C. Sidewalks of a minimum of five feet in width are required on both sides of the street.
- D. Four-foot green landscaped edges between the road and the sidewalk are required.

§ 160-13.7. Mixed Use Districts (MU 1, MU 2 and MU 3). [Amended 1-19-2010 by L.L. No. 1-2010]

- A. The area between the sidewalk and the structure shall be fully dedicated to street amenities and landscaping, such as street trees, shrubs, lawn, patios, porticos, street furniture, entrance sidewalks and related items, except where interrupted by necessary vehicular or pedestrian access.
- B. The area between the sidewalk and the curb shall be entirely dedicated to landscaping, with emphasis on appropriate street trees, except for necessary interruptions for pedestrian or vehicular access. Sidewalk root guards can be installed to direct root growth away from sidewalks and utility lines.
- C. Sidewalks of a minimum of five feet in width are required on both sides of the street.
- D. Four-foot green landscaped edges between the road and the sidewalk are required.

§ 160-13.8. Commercial-Industrial (C-I) District.

- A. The area between the sidewalk and the structure shall be fully dedicated to street amenities and landscaping, such as street trees, shrubs, lawn, patios, porticos, street furniture, entrance sidewalks and related items, except where interrupted by necessary vehicular or pedestrian access.
- B. The area between the sidewalk and the curb shall be entirely dedicated to landscaping, with emphasis on appropriate street trees, except for necessary interruptions for pedestrian or vehicular access. Sidewalk root guards can be installed to direct root growth away from sidewalks and utility lines.
- C. Sidewalks of a minimum of five feet in width are required on both sides of the street.
- D. Four-foot green landscaped edges between the road and the sidewalk are required.

§ 160-14. NONCONFORMANCE.

§ 160-14.1. Continuation of nonconformance.

- A. All uses, buildings, and structures must conform to all requirements of this chapter, except the following:
 - (1) Any nonconforming use, building or structure, other than signs, existing lawfully on the effective date of this chapter; or
 - (2) Any lawful use, building or structure, other than signs, which becomes nonconforming because of subsequent amendment of this chapter.
- B. Certain nonconforming uses, buildings, and structures are subject to additional standards and limitations as specified in § 160-14.
- C. All lighting shall be modified to conform to the standards of this chapter, or such lighting shall be removed when the pole, base or fixture is replaced.

§ 160-14.2. Discontinuance, removal or change of use.

- A. If a nonconforming use has been discontinued for 12 months, the nonconforming use status will cease and shall not be replaced or reestablished with another nonconforming use.
- B. Any nonconforming use which is discontinued because of fire, flood, wind, earthquake or other natural disaster shall not be reoccupied, reused and/or repaired or

reconstructed except in conformity with this chapter unless such repair or reconstruction is completed within 12 months of the damage. Failure to repair or reconstruct within 12 months of the damage shall cause a lawful nonconforming use to be automatically terminated.

- C. No nonconforming use shall be changed except to a conforming use. Thus, one nonconforming use may not be substituted for another.

§ 160-14.3. Buildings or structures.

- A. Alterations. A nonconforming building or structure shall not be enlarged or extended or have exterior alterations beyond the limits of the original building or structure, unless such enlargement, extension or alteration shall be in accordance with § 160-5, Area and Bulk Regulations, for the district in which the building or structure is located.
- B. Reconstruction. A nonconforming building may be reconstructed to its original dimensions, subject to site plan review pursuant to § 160-7 of this chapter. The purpose of site plan review is so the Planning Board can reduce the level of nonconformance of the building. In no case shall the level of nonconformance be increased, nor does this section imply any modification of this § 160-14 as to discontinuance, removal, modification or extension of a nonconforming use.

§ 160-14.4. Nonconforming signs.

Signs that are not permitted, or those signs that exceed the height or area requirements of this chapter, shall be modified to conform to this chapter or removed if:

- A. The property changes use and the original use was advertised by the sign; or
- B. The business advertised by the nonconforming sign has moved; or
- C. The nonconforming sign is replaced.

§ 160-14.5. Registry of nonconforming uses.

- A. The Code Enforcement Officer, in consultation with the Planning Board, shall locate, inventory and compile a registry of all nonconformances in the Village of Cobleskill.
- B. Such registry shall include the street address and Tax Map parcel number, owner of record and reason for nonconformance for each nonconforming use.
- C. Within 90 days of completion of the registry, the Code Enforcement Officer shall notify all owners and/or operators of all nonconformances of inclusion in said registry.
- D. Upon completion of said registry, the Code Enforcement Officer shall keep the same current.
- E. At any time that a use is added to or removed from the registry of nonconforming uses, the owner and/or operator of such use, building or structure shall be notified, in writing, within 60 days of such addition or removal.
- F. Said registry shall be maintained in the office of the Code Enforcement Officer and shall be available for public inspection on request.

§ 160-14.6. Repairs and maintenance.

Notwithstanding any of the foregoing regulations, nothing in this section shall be deemed to prevent normal maintenance and repair of any use or building or the issuance of a building permit for major structural alterations or demolitions necessary in the interest of public safety and pursuant to other applicable sections of this chapter.

§ 160-15. ADMINISTRATION AND ENFORCEMENT.

§ 160-15.1. Code Enforcement Officer.

- A. The position of Code Enforcement Officer is hereby created. The Mayor shall appoint the Code Enforcement Officer, with the approval of the Board of Trustees, to administer and enforce the provisions of this chapter.
- B. Advisory and incidental powers. The Code Enforcement Officer shall have the following powers and duties:
 - (1) The Code Enforcement Officer shall have the authority to advise the Board of Trustees on the adoption of local laws related to the enforcement and administration of this chapter and other powers that are incidental and necessary to the enforcement and administration of this chapter.
 - (2) Issuance of permits. The Code Enforcement Officer shall have the primary responsibility for the administration and enforcement of this chapter and for the New York State Uniform Fire Prevention and Building Code and shall also have authority to issue the following certificates and permits upon fulfillment of the requirements of this chapter and of applicable federal, state or other local laws:
 - (a) Zoning permits pursuant to this § 160-15.
 - (b) Building permits (including demolition permits) pursuant to Chapter 58.
 - (c) Certificate of zoning compliance pursuant to this § 160-15.
 - (d) Certificates of occupancy pursuant to Chapter 58.
 - (e) Sign permits.
 - (f) Market permits.^{25EN}
 - (g) Such other permits as may be established by amendment to this chapter.
 - (3) Inspections. The Code Enforcement Officer, or his or her duly authorized assistant(s), may enter any building or upon any land in the execution of his or her official duties with the permission of the owner or a tenant in possession; the Code Enforcement Officer may also enter any building or upon any space where the public is otherwise invited where the landowner or tenant in possession does not grant such permission or pursuant to a warrant issued by a court of competent jurisdiction.

§ 160-15.2. Permits; certificates.

- A. Zoning permit. Each zoning permit issued shall state that the proposed structure and land use comply with all provisions of this chapter.
 - (1) In all districts, a zoning permit is required whenever:
 - (a) Any structure coming under the provisions of this chapter is erected, reconstructed, structurally altered, moved or demolished.
 - (b) Any change in use occurs in an existing building.

- (c) Any change in use occurs in a nonconforming building.
 - (d) Any use is established on vacant land.
- (2) All applications for a zoning permit shall be accompanied by:
 - (a) Such sketch plans and supporting documentation as the Code Enforcement Officer may reasonably require to determine compliance with this chapter.
 - (b) Payment of the fee required for such permit application by the fee schedule established or to be established by the Village of Cobleskill Board of Trustees.^{26EN}
 - (c) If both a zoning permit and a building permit are required, application and publication for each may be made simultaneously.
- B. Building permit.
 - (1) In all districts, a building permit issued by the Code Enforcement Officer shall be required to erect, reconstruct, restore, structurally alter or demolish any structure or to add additional residential or commercial units or area. Normal maintenance of any structure shall not require a building permit.
 - (2) Demolition permit.
 - (a) If an applicant is proposing a new use that requires demolition of an existing building, demolition of that building shall be reviewed as part of a complete application for site plan review. There shall be coordinated and concurrent review of this action with demolition and rebuilding. The Code Enforcement Officer shall issue the demolition permit upon approval by the Planning Board.
 - (b) When demolition is proposed without a proposal for redevelopment, the Planning Board shall conduct a review of the demolition and landscape plans. The Planning Board shall, without limitation, require the following elements as a condition of its approval:
 - [1] The parcel shall be seeded with grass and landscaped with trees. Deciduous trees are preferred and shall have at least a two-inch caliper at the time of planting.
 - [2] Trees shall be provided within the lot at a minimum density of one tree per 1,000 square feet of lot and along the side of the street with a maximum spacing of 30 feet on center. The Tree Committee is available for consultation regarding the type and placement of trees throughout the Village.
 - [3] If a sidewalk is present prior to demolition, such sidewalk shall be maintained or restored after demolition so that the sidewalk is safe for pedestrians and free of rubble and cracks.
 - (c) The Planning Board may require additional landscaping or street furniture to maintain a pedestrian atmosphere at the site.
 - (d) When demolition occurs, water, sewer and all other utility lines shall be located, marked, capped and inspected and approved by the appropriate department prior to final site treatment.
 - (e) If a demolition permit is granted, the demolition and site restoration shall be completed within 90 days. If demolition occurs during the months of November through March, seeding and landscaping shall be completed by May 31.

- (3) No permits shall be issued unless:
 - (a) The proposed construction, restoration, alteration, demolition or addition conforms fully to all provisions of this chapter or has received a variance from the Board of Appeals.
 - (b) A zoning permit has been issued pursuant to this chapter.
 - (c) The proposed construction, restoration, alteration, demolition or addition conforms to the requirements of the New York State Uniform Fire Prevention and Building Code^{27EN} and other applicable federal, state and local laws and regulations.
- (4) Every application for a building permit shall contain all information as required and must be accompanied by:
 - (a) A plot plan showing the exact measurements from the street and lot lines to the foundation or structure or, if required by § 160-7 of this chapter, evidence of final site plan approval by the Planning Board within one year of the date of the application.
 - (b) Complete plans for the proposed construction, restoration, alteration, demolition or addition unless the Planning Board has authorized phased building permits pursuant to § 160-7.2C(6) of this chapter.
 - (c) Payment of the fee required for such permit by the fee schedule established or to be established pursuant to § 160-15.1B of this chapter.^{28EN}
- (5) The building permit application and all supporting documentation shall be submitted in such a number of copies as may be required by the Code Enforcement Officer by general rule. Upon issuance of a building permit, the Code Enforcement Officer shall return one copy of all filed documents to the applicant.
- (6) No less than seven or more than 32 calendar days after receipt of the complete application, the Code Enforcement Officer shall issue or deny the building permit. If the permit is denied, the Code Enforcement Officer shall notify the applicant in writing with a statement of the reasons for the decision to deny the permit.
- (7) The following residential building permit applications are exempt from the foregoing waiting period and publication requirement: alterations to one-family and two-family dwellings, including the erection, reconstruction, alteration or demolition of porches that are 120 square feet or less in size and decks, aboveground pools and accessory structures, including fences.
- (8) If both a zoning permit and a building permit are required, application and publication may be made simultaneously.
- (9) A zoning permit shall not be issued for the construction or alteration of any building upon a lot without access to a street or highway, as stipulated in § 7-736 of the Village Law.
- (10) A building permit for any structure subject to site plan review or Historic District Review Commission review,^{29EN} or both, shall be issued only in strict conformity with the plans approved by the Planning Board or the Historic District Review Commission, or both, and within one year of such approval.
- (11) A building permit issued for any structure permitted subject to a variance granted by the Board of Appeals shall be issued only in strict accordance with all

conditions prescribed by the Board of Appeals and within no more than one year of the granting of such variance.

- (12) The building permit shall be posted conspicuously and continuously on the work site until the construction project is complete.
- (13) Commercial and residential building permits for projects valued under \$500,000 shall be valid for 90 days to start construction and for 12 months to complete construction.
- (14) Commercial and residential building permits for projects valued over \$500,000 shall be valid for 90 days to start construction and for 18 months to complete construction. Such building permits may be extended once for a period of six months. Extensions must be applied for in writing and are subject to a fee as set in a resolution adopted annually by the Board of Trustees.
- (15) The Code Enforcement Officer may authorize, in writing, the extension of either of the above periods for an additional six months, following which no further work is to be undertaken without a new building permit application, publication and issuance.
- (16) Building permits for partial phases of a construction project may be issued subject to the following requirements:
 - (a) Application for any phased building permit shall include:
 - [1] Authorization for such phased building permits by the Village Planning Board pursuant to § 160-7, Site Plan Review.
 - [2] Evidence of final site plan approval by the Planning Board within one year of the date of the application.
 - [3] Complete and detailed plans for the project phase to which the building permit applies.
 - [4] Schematic plans for all subsequent phases of the project, including, at minimum, all entrances and exits and all exterior and interior walls.
 - (b) Building permits for phases of construction less than the total project shall only be issued subject to the following conditions:
 - [1] The issuance of a building permit for one or more phases of a construction project shall not constitute, guarantee, imply or support the issuance of a building permit for any subsequent phase of said project.
 - [2] The Code Enforcement Officer or the Zoning Board of Appeals shall not include costs incurred by the applicant or owner in one or more phases of a construction project as a factor in consideration of the issuance of a building permit for any subsequent phase of said project.
 - (c) Substantial deviation from or revision to schematic plans submitted as part of the application for a building permit for one or more phases of a construction project shall be grounds for denial of a building permit for any subsequent phase of said project unless the revised plans for the project, taken as a whole and including all phases previously constructed or under construction, would fulfill completely the requirements for issuance of a certificate of compliance and building permit if application were made anew. Construction work pursued under a building permit issued for one or more phases of a project shall be inspected and approved by the Code Enforcement Officer prior to issuance of a building permit for any subsequent phase.

- C. Temporary manufactured housing. A temporary manufactured home may be located on a lot while construction of a permanent dwelling is undertaken subject to the following provisions:
- (1) The temporary manufactured home must be occupied by the lot owner who is constructing the permanent dwelling.
 - (2) The owner shall obtain a permit from the Code Enforcement Officer prior to locating a temporary manufactured home on any lot. The permit cannot be issued unless the Code Enforcement Officer has granted a building permit for a structure on the lot.
 - (3) The permit remains in effect for six months and may be renewed for one additional six-month period if the Code Enforcement Officer finds that the construction has been diligently pursued and justifiable circumstances require an extension. The manufactured home must be removed within two weeks from the date a temporary certificate of occupancy is issued for the permanent dwelling but prior to the issuance of a final certificate of occupancy.
- D. Construction trailers. No more than two construction trailers shall be permitted on the site of construction being pursued subject to a valid building permit issued pursuant to this chapter, provided that:
- (1) Construction trailers are used only for office space or storage of materials and equipment and related uses.
 - (2) No construction trailer is used for temporary or permanent residential purposes.
 - (3) All construction equipment and materials are removed prior to issuance of a certificate of occupancy pursuant to this chapter.
- E. Certificate of zoning compliance. A certificate of zoning compliance shall be issued when the applicant has fully complied with all terms and conditions of the zoning permit issued for the subject project.
- F. Certificate of occupancy.
- (1) In all districts, no building or structure for which a building permit has been issued shall be occupied or used unless the Code Enforcement Officer issues a certificate of occupancy.
 - (2) The certificate of occupancy shall state that the building or structure fully complies with the requirements of the New York State Uniform Fire Prevention and Building Code,^{30EN} this chapter, the terms of any variance, the certificate of zoning compliance or historic district certificate of appropriateness^{31EN} granted in accordance with this chapter and other applicable local laws.
 - (3) No certificate of occupancy shall be issued unless and until a certificate of zoning compliance has been issued.

§ 160-15.3. Required inspections.

During the construction of any project that is the subject of a building permit under this chapter, the Code Enforcement Officer shall make on-site inspections, without limitation, as follows:

- A. As soon as the foundation of a building or of any addition to an existing building is staked or marked and before the foundation is laid, the Code Enforcement Officer shall ascertain that the structure is within the street and side-line setbacks as required in § 160-5 of this chapter or any variance issued by the Board of Appeals.

- B. At such times during the course of construction as will permit the observation of the foundation; structural elements; electrical systems; plumbing systems; heating, ventilation and air-conditioning systems; fire-protection and detector systems; and exit features.
- C. At such other times and for such other purposes as required to comply with the New York State Uniform Fire Prevention and Building Code and its implementing regulations^{32EN} and other applicable federal, state or local laws and regulations and in response to complaints.
- D. Upon substantial completion of the entire project and prior to issuance of a certificate of zoning compliance or a certificate of occupancy.

§ 160-15.4. Enforcement; penalties for offenses.

- A. Complaints.
 - (1) Any person may file a complaint with the Code Enforcement Officer regarding a violation of this chapter.
 - (2) The Code Enforcement Officer shall investigate all such complaints within 10 calendar days. This investigation shall include a site visit by the Code Enforcement Officer.
- B. Notice of violation. Where a violation of this chapter is determined to exist, the Code Enforcement Officer shall serve a notice of violation and an order to remedy.
 - (1) Such notice of violation shall be served as appropriate on the landowner, the tenant in possession, or any other person determined to be responsible for the conditions that gave rise to the violation.
 - (2) Such notice of violation shall include the following:
 - (a) A statement of the applicable law that is violated.
 - (b) A statement of the facts constituting the violation.
 - (c) The period during which such violation must be corrected.
 - (d) If, in the judgment of the Code Enforcement Officer, circumstances require it, a stop-work order or other remedies.
 - (3) The notice of violation and order to remedy may be served by certified mail, return receipt requested, personal delivery or by any other method reasonably calculated to give the property owner, tenant in possession or other person notice of the violation where delivery by certified mail, return receipt requested, or by personal delivery is not practicable.
 - (4) Such notice of violation and order to remedy shall require the removal of the violation within 10 calendar days after service of the notice, except that violations of snow removal requirements shall be corrected within 24 hours of such notice. The Code Enforcement Officer may provide less than 10 days to cure the violation, provided that the period is reasonable, if the Code Enforcement Officer determines that the violation constitutes an imminent threat to the health, safety and welfare of the community.
 - (5) The Code Enforcement Officer may provide more than 10 days to cure the violation if the nature of the remedy requires additional time.
 - (6) If the CEO requires removal of a zoning violation and the party charged disagrees with that charge, the party may appeal to the ZBA.^{33EN}
 - (7) If those persons notified shall fail to remove such violation within the allotted

time period, the Code Enforcement Officer may charge them with violation of this chapter in a court of competent jurisdiction.

C. Stop-work order.

- (1) If, in the judgment of the Code Enforcement Officer, work in progress is or will result in violation of the New York State Uniform Fire Prevention and Building Code, this chapter, or the terms or conditions of any permit, variance, site plan approval or historic district certificate of appropriateness³⁴EN issued pursuant to this chapter, the Code Enforcement Officer may serve a stop-work order on the owner, agent, architect, contractor or any other person involved or assisting in such work in progress and shall post a copy of said stop-work order in a conspicuous place on the subject work site.
- (2) Upon service or posting of such stop-work order, all further work on the subject work site shall cease, except such as is necessary to secure the site and materials, until the violation causing such order has been corrected or removed and the Code Enforcement Officer has served notice, in writing, that the stop-work order has been lifted.
- (3) No person shall remove a stop-work order posted on a work site unless and until the Code Enforcement Officer has served notice, in writing, that such stop-work order has been lifted.
- (4) Continuation or resumption of work on a work site subject to a stop-work order lawfully served and posted by the Code Enforcement Officer shall constitute a separate violation of this chapter and shall be subject to all penalties described in this § 160-15, Administration and Enforcement.

D. Appearance ticket. The Code Enforcement Officer and the Assistant Code Enforcement Officer and any peace officer are hereby authorized to issue and serve an appearance ticket with respect to violations of a state statute or a local law of the Village of Cobleskill.

E. Remedies.

- (1) Any person who shall violate any of the provisions of this chapter shall be guilty of a violation and subject to one or more of the following remedies: 1) a fine not to exceed \$350 or imprisonment for a period not to exceed 15 days, or both; or 2) a penalty of \$350 to be recovered by the Village in a civil action. Every such person shall be deemed guilty of a separate violation for each week such violation, disobedience, omission, neglect or refusal shall continue. The Board of Trustees of the Village of Cobleskill may also maintain an action or other proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter.
- (2) In the event the penalty sought is within the monetary jurisdiction of the Village of Cobleskill Justice Court, as established in Article 18 of the Uniform Justice Court Act, such action to recover such penalty may, as shall be determined by the attorney representing the Village, be commenced as a small claim pursuant to the provisions of Article 18 of the Uniform Justice Court Act.

§ 160-16. ZONING BOARD OF APPEALS.

§ 160-16.1. Creation; terms; organization.

A. Creation.

- (1) Pursuant to § 7-712 of the Village Law, the Mayor, with the approval of the Village Board, shall appoint a five-member Zoning Board of Appeals to hear and decide appeals from and review any order, requirement, decision, interpretation, or determination made by the Code Enforcement Officer pursuant to Chapter 160 of the Village of Cobleskill Code.
- (2) In addition, the Mayor, with the approval of the Village Board, shall appoint one nonvoting alternate member of the Zoning Board of Appeals. Said alternate shall be authorized to participate in all discussions and deliberations of the Zoning Board of Appeals and shall be a voting member in the case of the recusal or absence of any Zoning Board of Appeals member.
- (3) The jurisdiction of the Zoning Board of Appeals shall be appellate only as more specifically set forth in § 160-16.2 below.

B. Term of office.

- (1) Pursuant to § 7-712 of the Village Law, the term of each member and nonvoting alternate member of the Zoning Board of Appeals shall be five years, expiring at the end of the official year on May 31.
- (2) Vacancies, other than those caused by the expiration of the term or removal from office, shall be filled by appointment of the Mayor for the remainder of the unexpired term.
- (3) The Mayor shall, subject to the approval of the Village Board, appoint the Chairman and Vice Chairman of the Zoning Board of Appeals for terms of three years.
- (4) Removal. The Village Board shall have the power to remove any member of the Zoning Board of Appeals for cause after public hearing. Without limitation, cause shall include failure to meet training and attendance requirements as established by the Village Board.

C. Organization.

- (1) General operations.
 - (a) Subject to Village Board approval, the Zoning Board of Appeals shall by resolution adopt bylaws governing its parliamentary procedure and procedural forms such as application forms.
 - (b) The Zoning Board of Appeals may employ clerical or other staff necessary for the proper function of the Zoning Board of Appeals within monies appropriated for that purpose by the Village Board.
 - (c) The Village Board shall provide operating expenses for the Zoning Board of Appeals. Zoning Board of Appeals expenditures shall not exceed the amount of appropriations.
- (2) Meetings.
 - (a) The Zoning Board of Appeals shall hold meetings at the call of the Chairman or at other times that the Zoning Board of Appeals may determine.
 - (b) The Chairman, or the Deputy Chairman in the absence of the Chairman, has the power to administer oaths and compel the attendance of witnesses.
- (3) Minutes.
 - (a) The Zoning Board of Appeals shall keep minutes of its meetings.

- (b) The minutes shall, at a minimum, consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon. The minutes shall also show how each member voted on every question. The minutes shall indicate if a member is absent or fails to vote.
- (c) Draft minutes shall be filed with the Village Clerk and made available to the public within two weeks of each meeting. At the next regular meeting following the preparation of the draft minutes, the Zoning Board of Appeals shall vote to approve the draft minutes or approve the minutes with modification. The final minutes shall be filed with the Village Clerk and made available to the public within two weeks of their approval by the Zoning Board of Appeals.
- (4) Written decision on appeals. The Zoning Board of Appeals shall file, with the Village Clerk, a separate written decision on appeals within five days with a statement of conditions, if any, on the grant of the variance.

§ 160-16.2. Powers and duties.

- A. The Zoning Board of Appeals shall have all the powers and duties conferred by Village Law §§ 7-712-a and 7-712-b and this chapter.
- B. Appeal for interpretation.
 - (1) Upon appeal from a decision, order, requirement, interpretation, or determination made by the Code Enforcement Officer or the Planning Board, the Zoning Board of Appeals shall have the power to decide any of the following questions:
 - (a) The meaning of any portion of the text of this chapter or of any condition or requirement specified or made under the provisions of this chapter.
 - (b) The exact location of any district boundary shown on the Zoning Map or the Historic District Overlay Map.
 - (2) Pursuant to Village Law § 7-712-a, Subdivision 4, the ZBA is authorized to hear appeals only from an order, requirement, decision, interpretation, or determination made by the administrative official charged with enforcement of this chapter or the Planning Board. The Zoning Board of Appeals does not have authority to issue advisory opinions.
 - (3) Upon appeal from a decision, order, requirement, or determination made by the Historic District Review Commission, the Zoning Board of Appeals shall have the power to decide only the question of whether the action appealed is beyond the discretion assigned to the Historic District Review Commission by Chapter 90 of the Village Code.
- C. Appeal for variance. Upon appeal from a decision of the Code Enforcement Officer or the Planning Board, the Zoning Board of Appeals shall have the power to grant variances only under the following circumstances:
 - (1) For area variances.
 - (a) The Zoning Board of Appeals shall consider the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or the community if the variance is granted. In reaching its decision, the Zoning Board of Appeals shall consider:
 - [1] Whether an undesirable change will be produced in the neighborhood character or whether a detriment to nearby properties will be created by

- the grant of an area variance;
- [2] Whether the benefit sought by the applicant can be achieved by some feasible method for the applicant to pursue other than an area variance;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- [5] Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of an area variance.
- (b) The Zoning Board of Appeals shall grant the minimum variance necessary while preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.
- (2) For use variances.
 - (a) No use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals, for each and every permitted use under the Zoning Law for the particular zoning district where the property is located and for each and every use previously permitted by special use permit or previously approved use variance, that:
 - [1] The applicant cannot yield a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence.
 - [2] The requested use variance, if granted, will not alter the essential character of the neighborhood.
 - [3] The alleged hardship of the appellant or owner relating to the property is unique and does not apply to a substantial portion of the district or the neighborhood.
 - [4] The alleged hardship has not been self-created.
 - (b) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (3) Unless a building permit pursuant to § 160-15.2 is obtained within one year of the date of the granting of a variance, such variance shall be null and void.
- D. Procedure.
 - (1) All appeals and applications made to the Zoning Board of Appeals shall be in writing on a form prescribed by the Zoning Board of Appeals and accompanied by a fee as set forth in the fee schedule established by the Village Board,^{35EN} payable to the Village Clerk.
 - (2) An appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the Code Enforcement Officer or the Planning Board.
 - (3) An appeal shall stay all proceedings in furtherance of the action appealed from. If the Code Enforcement Officer deems that such stay would cause imminent

- peril to life or property, the Zoning Board of Appeals shall follow the procedures set forth in Village Law § 7-712-a, Subdivision 6.
- (4) The Zoning Board of Appeals shall hold a public hearing, notice of which shall include the property location for which the variance or interpretation is requested and the nature of the request for variance or interpretation. Notice shall be given at least 10 days in advance by publication in the official newspaper of the date, time and place of the hearing.
 - (5) The notice of public hearing shall be mailed at least 10 days before the hearing to all owners of property which lies within 200 feet of the property for which relief is sought, as determined from the latest assessment roll.
 - (6) In addition, the Zoning Board of Appeals shall send notification of any pending appeal for a use variance for any property located within 500 feet of a municipal boundary to the Clerk of that municipality not later than 10 days prior to the date of the public hearing.
 - (7) At least 10 days before a hearing, the Zoning Board of Appeals shall mail notices to the parties and to any regional state park commission with jurisdiction over any state park or parkway within 500 feet of the property affected.
 - (8) Referral of appeal to county; contrary action to county recommendation.
 - (a) In accordance with General Municipal Law § 239-m, the Zoning Board of Appeals shall refer a full statement of any appeal for a variance to the Schoharie County Planning and Development Agency when the action affects property located within 500 feet of:
 - [1] The municipal boundary.
 - [2] The boundary of any existing or proposed county or state parkway, thruway, expressway, road or highway.
 - [3] An existing or proposed right-of-way of any stream or drainage channel that is owned by the county or for which the county has established channel lines.
 - [4] An existing or proposed boundary of any county or state-owned land on which a public building or institution is situated.
 - (b) If within 30 days the Schoharie County Planning and Development Agency recommends modification or disapproval, the Zoning Board of Appeals may act contrary to the recommendation only by a vote of a majority plus one of the entire Zoning Board of Appeals and by adopting a resolution fully setting forth reasons for such contrary action.
 - (9) Pursuant to General Municipal Law § 239-nn, notice of the public hearing shall be given by mail or electronic means to the Clerk of the adjacent municipality at least 10 days prior to the commencement of the hearing.
 - (10) The Zoning Board of Appeals shall hold a hearing on each appeal within 32 days from the Zoning Board of Appeals' determination that the application is complete.
 - (11) The Zoning Board of Appeals shall render its decision on each appeal within 62 days following the public hearing, unless the application has been the subject of a positive declaration under the State Environmental Quality Review Act (Environmental Conservation Law Article 8). If the application has been the subject of a positive declaration, then the time frames shall be governed by Part

617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR Part 617). If an affirmative vote of a majority of the members of the Zoning Board of Appeals is not attained on a motion to grant a variance or reverse any order or determination of the Code Enforcement Officer within the time allowed for a decision, the appeal shall be deemed denied. The Zoning Board of Appeals may amend a motion that fails to muster a concurring majority and vote on the amended motion within the time allowed for a decision without being subject to the rehearing process as set forth below. The time to render its decision may be extended by mutual consent of the applicant and the Zoning Board of Appeals.

- (12) The decision of the Zoning Board of Appeals shall be filed in the Village Clerk's office within five business days after the day such decision is rendered. A copy of the decision shall also be mailed to the applicant and any parties to the hearing.
- (13) Pursuant to Village Law § 7-730, Subdivision 6, the Zoning Board of Appeals shall request the recommendation of the Planning Board with respect to appeals for an area variance by sending the Secretary of the Planning Board a copy of the application for a variance together with such request. The request shall be sent upon the Zoning Board of Appeals' determination that the application is complete.
- (14) Pursuant to Village Law § 7-712-c, a person aggrieved by any decision of the Zoning Board of Appeals or any officer, department or board of the Village may apply to the New York State Supreme Court for relief under Article 78 of the Civil Practice Law and Rules of New York State.
- (15) Pursuant to Village Law § 7-712-a, Subdivision 12, a motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Zoning Board of Appeals not previously reheard may be made by any member of the Zoning Board of Appeals. A unanimous vote of all members of the Zoning Board of Appeals then present is required for such rehearing to occur. The rehearing is subject to the same notice provisions as the original hearing. Upon such rehearing the Zoning Board of Appeals may reverse, modify or annul its original order, decision, or determination upon the unanimous vote of all members then present, provided that the Zoning Board of Appeals finds that the rights vested in the persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced.

§ 160-17. PLANNING BOARD.

§ 160-17.1. Creation; terms; organization.

A. Creation.

- (1) Pursuant to § 7-718 of the Village Law, the Village Board shall appoint a five-member Planning Board which shall be responsible for continuing long-range planning activities and for such duties pertaining to administration of this chapter as are specified in this § 160-17.
- (2) In addition, the Village Board shall appoint one nonvoting alternate member of

the Planning Board. Said alternate shall be authorized to participate in all discussions and deliberations of the Planning Board and shall be a voting member in the case of the recusal or absence of any Board member.

B. Term of office.

- (1) Pursuant to § 7-718, the term of each member and nonvoting alternate member of the Planning Board shall be five years, expiring at the end of the official year.
- (2) Vacancies, other than those created by the expiration of a term, shall be filled by appointment of the Mayor for the remainder of the unexpired term.
- (3) The Mayor shall, subject to the approval of the Village Board, appoint the Chairman and Vice Chairman of the Planning Board. Should the Mayor fail to make such appointment(s), the Planning Board may select a Chairman and Vice Chairman from its membership.
- (4) Members of the Planning Board may be removed from the Planning Board for cause by the Mayor after public hearing, held pursuant to Village Law § 7-718, Subdivision 9. Cause includes, but is not limited to, noncompliance with the minimum requirements relating to meeting attendance and training as established by the Village Board.

C. Organization.

- (1) General operations.
 - (a) The Planning Board may adopt rules and regulations regarding procedure before it and in respect to any subject matter over which it has jurisdiction under Article 7 of the Village Law, under the Subdivision Law^{36EN} or this chapter of the Code of the Village of Cobleskill or any other statute, subject to approval of the Village Board.
 - (b) The Village Board may employ clerical or other staff necessary for proper function of the Planning Board.
 - (c) The Village Board shall provide operating expenses for the Planning Board. Planning Board expenditures shall not exceed the amount of the appropriations.
- (2) Meetings.
 - (a) The Planning Board shall hold meetings at the call of the Chairman or at other times the Board may determine, by simple majority of its members.
 - (b) All meetings shall be subject to the Open Meetings Law.^{37EN}
- (3) Minutes and records.
 - (a) The Planning Board shall keep proper minutes of its meetings and records of its examinations, official actions, advisory reports and general studies.
 - (b) The minutes shall show how each member voted on every question. The minutes shall also indicate if a member is absent or fails to vote.
 - (c) The Planning Board shall file a record of all determinations with the Village Clerk for the public record.

§ 160-17.2. Powers and duties.

The Planning Board shall have all the powers and duties prescribed by law and more particularly specified by this chapter. None of the following provisions shall be deemed to limit any power of the Board that is conferred by law:

A. Comprehensive Plan. Pursuant to Village Law § 7-722, the Board of Trustees may, by

resolution, authorize the Planning Board to prepare a proposed Village Comprehensive Plan and/or amendments. If the Planning Board is directed to prepare a proposed Comprehensive Plan and/or amendments, the Board shall, by resolution, recommend a proposed plan and/or amendment to the Village Board of Trustees. Any proposed Comprehensive Plan and/or amendment that is prepared by the Village Board of Trustees or a special board may be referred to the Village Planning Board for review and recommendation before action by the Village Board of Trustees.

- B. Investigations. The Planning Board shall have the full power and authority to make investigations, maps and reports and all resulting recommendations of all matters relating to the planning and development of the Village.
- C. Site plan review. The Planning Board shall be responsible for the proper implementation of § 160-7, Site Plan Review, of this chapter.
- D. Subdivision approval. The Planning Board shall be responsible for the review and approval of subdivision plats in accordance with the Village Subdivision Law,^{38EN} as may be adopted, and this chapter.
- E. Reports on specific referrals from the Board of Appeals and the Village Board pursuant to § 160-17.2C and § 160-18 of this chapter. The Planning Board shall conduct a review of any matter referred to it and shall submit a written report to the referring body as required by the provisions of this chapter.
- F. Regulations/ordinances. The Planning Board may recommend to the Village Board for consideration adoption of regulations or local laws regarding any matters subject to its jurisdiction under this chapter or any other local law or other statute.
- G. The Planning Board shall be responsible for the proper implementation of § 160-6, Special Use Permits, of this chapter.

§ 160-18. AMENDMENTS.

§ 160-18.1. General provisions.

In accordance with Village Law § 7-708, this chapter or any part thereof may be amended, supplemented or repealed from time to time by the Village Board. Prior to the public hearing as specified in § 160-18.2C(3) of this chapter, every proposed amendment shall be referred by the Village Board to the Planning Board for a report which shall be rendered within 30 days of such referral. If the Planning Board fails to report to the Village Board within 30 days, then it may proceed to act upon the proposed amendments without the recommendation of the Planning Board.

§ 160-18.2. Procedure.

The procedure for amending this chapter shall be as follows:

- A. All petitions for any amendments to the text of this chapter or to district boundaries designated on the Official Zoning Map shall be filed with the Village Clerk, in writing, and in a form required by the Village Board.
- B. Proposed amendments are actions subject to review under the New York State Environmental Quality Review Act (SEQRA). If a proposed zoning change may have a potentially significant, adverse impact on the environment, then the Board of

Trustees must prepare a draft environmental impact statement or cause one to be prepared. The procedures for incorporating SEQRA into the amendment review process are set out in Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

- C. Unless the amendment proposed is initiated by the Village Planning Board, the Village Board shall refer all such proposals and all pertinent information to the Planning Board for report and recommendations, to be considered by the Village Board prior to its public hearing. A full statement of the reasons behind the recommendations shall accompany the Planning Board's report, specifically including:
- (1) For a proposed amendment to or change in the text of this chapter:
 - (a) Whether the change is consistent with the goals and principles embodied in the Village of Cobleskill Comprehensive Plan and in this chapter as to the particular districts concerned.
 - (b) Which areas, land uses, buildings and establishments in the Village will be directly affected by such change and in what way they will be affected.
 - (c) The indirect implications of such change on other regulations.
 - (d) Whether such proposed amendment is consistent with the aims of the Village's development policies, as enunciated in §§ 160-1 and 160-2 of this chapter,^{39EN} and the Village of Cobleskill Comprehensive Plan.
 - (2) For a proposed amendment involving a change in the Official Zoning Map:
 - (a) Whether the uses permitted by the proposed change would be appropriate in the area concerned.
 - (b) Whether adequate public school facilities and other public facilities and services, including roads, water service, sewer service and drainage facilities, exist or can be reasonably expected to be created to serve the needs of any additional dwelling or other uses likely to be constructed as a result of such change.
 - (c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
 - (d) The effect of the proposed amendment upon the growth of the Village as envisaged by the development policies of the Village.
 - (3) If the Planning Board fails to make a recommendation within 30 days of receiving the referral from the Board, the Village Board may act without the Planning Board's report. The thirty-day period may be extended by agreement of the Planning Board and the Village Board.
- D. By resolution adopted at a meeting of the Village Board, the Village Board shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given in accordance with the provisions of Village Law § 7-706. All notices of public hearing shall specify the nature of any proposed amendment; the land or district affected; and the date when and the place where the public hearing will be held. Notice of the time and place of such hearing shall be published in the official newspaper at least 10 days prior to the public hearing.
- E. Written notice shall be served either in person or by mail at least 10 days prior to a public hearing upon persons listed in Village Law § 7-706, Subdivision 2. This includes service on another municipality within 500 feet of the proposed change.

- F. The Village Board shall refer all proposals within the criteria of General Municipal Law § 239-m to the Schoharie County Planning and Development Agency for report and recommendation thereon. If the Schoharie County Planning and Development Agency recommends modification or disapproval, the Village Board may act contrary to the recommendation only by a vote of a majority plus one of the Board of Trustees and by adopting a resolution fully setting forth reasons for such contrary action. The Village Board shall file a report or its minutes reflecting the action taken with the Schoharie County Planning and Development Agency within 30 days of its action. If the Village Board votes to override the recommendations of the Schoharie County Planning and Development Agency, the report or minutes shall set forth the reasons for the contrary action.

§ 160-18.3. Protest by owners.

Pursuant to Village Law § 7-708, if a protest against the proposed amendment is presented to the Village Board duly signed and acknowledged by a) the owners of 20% or more of the area of land included in the proposed amendment, b) the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or c) the owners of 20% or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, the amendment shall not be passed except by the favorable vote of at least 3/4 of the members of the Village Board.

§ 160-18.4. Publication and posting.

Every amendment to this chapter, including any map amendments, shall be entered into the minutes of the Village Board, except that the map may be incorporated by reference or referenced and described in the official minutes. An abstract or summary of any such amendment (excluding any map) shall be published once in the official newspaper of the Village. A copy of the amendment, together with a copy of any map incorporated in the amendment, shall be posted conspicuously at or near the main entrance to the office of the Village Clerk, and affidavits of the publication and posting of the amendment shall be filed with the Village Clerk. The Village Clerk shall maintain an official copy of the Village of Cobleskill Zoning Map and every amendment to the map. Each and every amendment to this chapter shall become effective in accordance with Village Law § 7-706, Subdivision 7.

§ 160-19. INTERPRETATION AND APPLICATION.

§ 160-19.1. Interpretation and application.

The provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except where specifically provided to the contrary, it is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises, nor is it intended by this

chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of a building or premises or requires larger open spaces than are imposed or required by any other statute, local law, rule, regulation or permit or by any easement or agreement, the provisions of this chapter shall control.

§ 160-19.2. Penalties for offenses.

Violations of the provisions of these standards or any rules or regulations established pursuant thereto shall be subject to all procedures and penalties enumerated in § 160-15, Administration and Enforcement, § 160-15.4, of this chapter.

§ 160-19.3. When effective.

In accordance with the procedure set forth in § 7-706 of the Village Law, this chapter or any amendments thereto shall take effect 10 days after the required publication, posting and filing with the New York State Department of State, but shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Village Clerk and showing the date of its passage and entry in the minutes.

§ 160-20. DEFINITIONS AND WORD USAGE.

§ 160-20.1. Word usage.

Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot." The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used." The word "shall" is mandatory and not optional. All other words used in this chapter shall carry their customary meanings.

§ 160-20.2. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated:

ACCESSORY BUILDING -- A building customarily incidental or subordinate to with the principal building on the same lot.

ACCESSORY STRUCTURE -- Structures, including but not limited to balconies, stoops, and open porches, are not considered accessory structures.

ACCESSORY USE -- A use, occupancy or tenancy customarily incidental to the principal use or occupancy of a building.

ADULT ENTERTAINMENT -- Definitions particular to § 160-6.3, Standards for Adult Entertainment:

- A. **ADULT ENTERTAINMENT BUSINESS** -- A commercial establishment where a substantial portion of the business includes an adult bookstore, adult eating or drinking establishment, adult theater, or other adult commercial establishment, or any combination thereof, as defined below.

- B. **ADULT BOOKSTORE** -- A bookstore that has a substantial portion of its stock-in-trade in any one or more of the following:
- (1) Books, magazines, periodicals, or other printed matter that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
 - (2) Photographs, films, motion pictures, videocassettes, slides or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- C. **ADULT EATING OR DRINKING ESTABLISHMENT** -- One that regularly features any one or more of the following:
- (1) Live performances that are characterized by an emphasis on specified sexual activities or specified anatomical areas; or
 - (2) Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
 - (3) Employees who, as part of their employment, regularly expose to patrons specified anatomical areas and such establishment is not customarily open to the general public during such features because it excludes minors by reason of age.
- D. **ADULT THEATER** -- Regularly features one or more of the following:
- (1) Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
 - (2) Live performances characterized by an emphasis on specified anatomical areas or specified sexual activities and such establishment is not customarily open to the general public during such features because it excludes minors by reason of age; or
 - (3) An adult theater shall include commercial establishments where the materials or performances listed above are viewed from individual enclosures.
- E. **ADULT ENTERTAINMENT BUSINESS, OTHER** -- May be a facility--other than an adult bookstore, adult eating and drinking establishment, adult theater, commercial studio, or business or trade school--which features employees who, as part of their employment, regularly expose to patrons specified anatomical areas and which is not customarily open to the general public during such features because it excludes minors by reason of age.
- F. **SPECIFIED SEXUAL ACTIVITIES** --
- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Actual or simulated acts of human masturbation, sexual intercourse or sodomy; or
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast.
- G. **SPECIFIED ANATOMICAL AREAS** --
- (1) Less than completely and opaquely concealed human genitals; pubic region; human buttock; anus; female breast below a point immediately above the top of the areola.
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely concealed.

ADULT HOME -- See "rest home."

AGRICULTURE -- The raising of crops, animals or animal products, horticultural or nursery products for gain, including the sale of farm produce and agricultural products.

ALTERATION -- Any change, rearrangement or addition to a building or any modification in construction or in building equipment, excluding normal maintenance and repairs.

ANIMAL HOSPITAL -- Premises for the medical and/or surgical care of sick or injured animals with or without accessory boarding accommodations for convalescence. The term "animal hospital" shall also include a veterinary clinic.

APARTMENT -- See "dwelling, multifamily."

APPLIANCE/COMPUTER REPAIR FACILITY -- An establishment for the repair and service of household items, including but not limited to washing machines, dryers, refrigerators, toasters, microwave ovens, and ovens.

ASSISTED-LIVING FACILITY -- Residences for the elderly that provide rooms, means, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

AUTOMOBILE REPAIR SHOP -- See "motor vehicle repair facility."

BAR -- See "tavern/nightclub."

BASEMENT -- That space of a building which is partly below grade and which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

BED-AND-BREAKFAST -- Owner-occupied, one-family dwelling used for providing overnight accommodations and a morning meal and containing not more than 10 bedrooms for lodgers. The number of overnight guests housed in the facility (excluding the regular residential occupants) may not exceed the number of permitted sleeping units multiplied by three.

BOARDING-, LODGING OR ROOMING HOUSE -- A private dwelling in which at least three but not more than six rooms are offered for rent, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained. A boardinghouse is considered a multiple-occupancy dwelling.

BUILDING -- A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, or property. A group of attached townhomes and/or a multifamily dwelling will constitute a single building. [Amended 4-15-2008 by L.L. No. 3-2008]

BUILDING LINE OR BUILD-TO LINE -- A line drawn at the main wall of a building, excluding steps, porches, patios, eaves, cornices or other projections, and extending from lot line to lot line.

BUILDING SCALE -- The relationship between the mass of a building and its surroundings, including the width of street, open space and mass of surrounding buildings.

BUS DEPOT -- Any premises for the storage or parking of motor-driven buses and/or the loading and unloading of passengers.

CAR WASH -- Premises regularly used for washing, cleaning or polishing motor vehicles for compensation.

CELLAR -- That space of a building which is partly below grade and which has more than half of its height, measured from floor to ceiling, above the average established curb

level or finished grade of the ground adjoining the building.

CEMETERY -- Property used for the interring of the deceased.

CERTIFICATE OF APPROPRIATENESS -- A certificate issued by the Village of Cobleskill Historic District Review Commission upon approval of the exterior architectural features of any new building construction or alterations to an existing building located within the Village's Historic District.

CERTIFICATE OF COMPLIANCE -- A certificate issued by the Code Enforcement Officer when the plans for a proposed use meet all applicable codes and regulations.

CHANGE IN USE -- When a particular use has exceeded the scope of its original permit and thus seeks to become part of another use category. A change in use requires either a new permit from any governmental agency; construction that requires a building permit for the construction or enlargement of a structure exceeding 25% of its original square footage; the clearing, excavation or grading of more than 350 square feet of land; the addition of four or more parking spaces; or the enlargement or addition of signs. A change of ownership or tenancy does not constitute a change of use.

CHARITABLE ORGANIZATION -- A not-for-profit corporation or association organized for charitable purposes, including but not limited to education, social welfare, environmental conservation, scientific research, cultural enrichment and the arts.

CHURCH -- See "places of worship."

CLINIC, MEDICAL OR DENTAL -- An independent facility for the provision of health services by licensed professional staff on an outpatient basis and without accommodations for overnight patient stays. A clinic that is an integral part of a hospital or nursing home shall be considered the same use as said hospital or nursing home for purposes of this Code.

COBLESKILL -- The incorporated Village of Cobleskill, Schoharie County, New York.

CODE ENFORCEMENT OFFICIAL -- The Code Enforcement Officer or the Assistant Code Enforcement Officer.

COIN-OPERATED LAUNDRY -- Premises equipped with individual clothes washing and drying and/or cleaning machines which are operated by the customers themselves.

COMMERCIAL LAUNDRY or DRY CLEANER -- Premises equipped with machines for washing and drying and/or chemically cleaning and pressing clothes left by customers and picked up after cleaning. "Commercial laundry" or "dry cleaner" also includes premises which serve only as customer dropoff and pickup locations and which send customer's clothes off the premises for cleaning and pressing.

CONDOMINIUM -- A living unit as defined by Article 9-B of the New York State Real Property Law, entitled "Condominium Act" and as may be amended. All definitions in said Condominium Act are incorporated by reference herein. They are a form of ownership of multiple housing units, which may be built in the RPUDD-1. [Added 4-15-2008 by L.L. No. 3-2008]

CONSERVATION -- The protection or management of land in a natural state, including management practices such as clearing and replanting, stream channel maintenance and erosion control, among others.

CONVENIENCE STORE -- Quick-stop retail sales outlet with no sale of gasoline and with no motor vehicle repair.

CONVENIENCE STORE WITH GASOLINE SALES -- See "gasoline station."

CONVENT/MONASTERY -- A multiple-occupancy structure used by an organized

religious order to house no more than six members.

CONVERSION -- A change in the use of a structure from a single-family unit to a two- or multifamily unit.

COURT, INNER -- An open space enclosed on all sides by exterior walls of a building.

COURT, OUTER -- An open space enclosed on three sides by a combination of exterior building walls and/or fence, freestanding walls or landscape plants.

COURT, OUTER, DEPTH OF -- The linear average dimension measured from the unenclosed side of the court to the farthest wall thereof.

COVERAGE -- The area covered by all buildings on a lot, expressed as a percentage of the total lot area.

CUL-DE-SAC -- A minor street with only one outlet and having a turning loop at the closed end. [Added 4-15-2008 by L.L. No. 3-2008]

CURBLINE -- The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary of the roadway.

CYBERCAFE -- An establishment providing on-site computers and Internet access to the public, with food and nonalcoholic beverage service.

DRIVE-IN -- An establishment constructed to cater to the motoring public, whether or not serving pedestrians as well as the automobile trade, and providing curb and/or window counter service. A drive-in facility does not include a restaurant with a drive-through. See "restaurant with drive-in facility."

DRIVE-IN MOVIES -- An open lot, together with appurtenant facilities, where motion pictures are shown to paying customers seated in automobiles or on outdoor seats.

DUMP -- A lot or part thereof used primarily for disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose of garbage, offal, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING, DUPLEX -- A one-family dwelling separated by a party wall from only one adjacent dwelling unit.

DWELLING, MULTIFAMILY -- A building containing five or more dwelling units.

DWELLING, MULTIPLE-OCCUPANCY -- A single dwelling unit with one or more sleeping rooms used or occupied by permanent or transient tenants; a building with sleeping accommodations used or occupied as a club, dormitory, fraternity or sorority house, or community residence.

DWELLING, ROW or ATTACHED -- A one-family dwelling with party walls separating it from adjacent units on both sides having separate water and sewer service.

DWELLING, SINGLE-FAMILY -- A detached building containing one dwelling unit only and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, THREE- OR FOUR-FAMILY -- A detached building containing three or four dwelling units only.

DWELLING, TOWNHOME -- Two to six conjoined dwelling units owned individually and not in common by one owner and separated from the adjacent dwelling unit by party walls and having a separate independent entrance from an outside yard area and each having a separate water and sewer service. [Added 4-15-2008 by L.L. No. 3-2008]

DWELLING, TWO-FAMILY -- A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced vertical wall,

except for a common stairwell exterior to both dwelling units.

DWELLING UNIT -- One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family. A boarding- or rooming house, convalescent home, fraternity or sorority house, dormitory, hotel, inn, lodging, nursing, or other similar homes or other similar structures shall not be deemed to constitute a dwelling unit.

EXTERIOR ARCHITECTURAL FEATURES -- The architectural style, architectural details and features, general design and general arrangement of the exterior of a building, including the kind and texture of building material and the type and style of doors and windows, light fixtures, signs and other appurtenant fixtures.

FACADE -- A building face or wall.

FACADE BREAK -- A change in setback or architectural style that may include such things as varying the size or height of architectural components of a building so that a building appears as separate structures. Windows and doors by themselves do not constitute facade breaks.

FAIRGROUNDS -- Use undertaken or administered by the Cobleskill Agricultural Society in managing the affairs and activities of the fairgrounds.

FAMILY -- One or more persons occupying a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

FARM -- A parcel of land used principally in the commercial raising or production of agricultural products and the necessary or usual dwellings, farm structures, storage and equipment related thereto. Agricultural products shall include, but are not limited to, field crops, vegetable crops, fruit, woodland products, livestock and livestock products and fowl. It excludes kennels and stables used by the public.

FARMERS' MARKET -- A seasonal outdoor market for the sale of fresh produce, plants and food products which operates not more than six months in any calendar year, with no permanent structures.

FENCE -- An unroofed enclosing structure erected for the purpose of preventing passage or view.

FLOOR AREA, GROSS -- The sum of the gross horizontal area of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings.

FLOOR AREA, NET -- The actual square footage of an area used for gathering people together, not including accessory or other areas used for different purposes or the thickness of walls. Such area is normally enclosed by walls or other dividers.

FOWL -- Animals including, but not limited to, domestic birds such as chickens, ducks, geese, turkeys, pheasants or pigeons raised in confinement.

FREESTANDING DRIVE-THROUGH BUSINESS -- A freestanding structure with a footprint no larger than 10 feet by 10 feet that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

FRONTAGE -- The horizontal distance between the side lot lines measured along the street line.

FUEL OIL STORAGE -- Premises used for the storage of fuel oil, kerosene or other combustible fuel in tanks for the sale by motor vehicle or other means of conveyance to

purchasers at some other location and excluding gasoline storage tanks used at gasoline stations for retail sales or tanks used by individuals when fuel is not sold.

FUNERAL HOME -- A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GALLERY/MUSEUM -- A structure used for the storage and display of cultural, scientific, environmental, historic, or other resources.

GAMES ARCADE -- A commercial establishment other than a bar or restaurant in which a substantial portion of the business is games and amusement devices, such as pool, video games, pinball machines and similar mechanical or electronic devices.

GARAGE -- Premises used for the storage, display, sale, rental, service or repair of motor vehicles.

GARAGE, PRIVATE -- An accessory garage used by the occupants of a principal structure for storing one or more vehicles or boats and within which no business, occupation, service or industry is conducted for profit.

GASOLINE STATION -- A commercial establishment which includes the sale and delivery of gasoline or other fuel for the propulsion of motor vehicles. A gasoline station may include the accessory sale and installation of oil or other substances, tires, batteries and other motor vehicle accessories. A gasoline station may also conduct minor vehicle repairs. A gasoline station may also include a quick-stop retail store, provided that the store is an integral part of the gasoline station.

GLARE -- Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see and in extreme cases causing momentary blindness.

GOLF COURSE -- A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

GRAPHICS, WINDOW -- A sign, logo or other illustrative diagram or sketch attached to or painted on a window or displayed from the interior side of a window for outside viewing.

GROSS FLOOR AREA -- See "floor area, gross."

GROUP HOME -- A dwelling which is occupied by unrelated persons who may be handicapped, developmentally disabled or emotionally disturbed and which is supervised by a paid or volunteer live-in counselor. A group home is considered a multiple-occupancy dwelling. See "rest home."

HABITABLE SPACE -- Space occupied by one or more persons for living, sleeping, eating or cooking and contained wholly within a dwelling unit. Restaurants for employees and occupants, kitchens serving them and kitchenettes shall not be deemed to be habitable space. See "nonhabitable space."

HEIGHT OF A STRUCTURE -- The vertical distance measured from the average finished grade at all foundation corners of the building or structure to the highest point of the building or structure, excluding the chimney.

HOME OCCUPATION -- A profession or occupation conducted within a dwelling or accessory structure thereto for profit by persons residing therein.

HOTEL/INN -- A multiple dwelling used primarily to furnish lodging, with or without meals or tavern facilities, consisting of more than 10 rooms, for compensation.

ILLUMINATION, DIRECT -- Illumination which incorporates any artificial lighting as an inherent part or feature or which depends for its illumination on transparent or

translucent material or electricity or radio-activated or gaseous material or substance.

ILLUMINATION, INDIRECT -- Illumination with an artificial light which is separated from or is not an intrinsic part of the sign itself.

ILLUMINATION, INTERNAL -- Illumination with an artificial light which is an intrinsic part of the sign itself and is designed to light the features of the sign from within. Internal illumination is also direct illumination.

INDOOR THEATER/AUDITORIUM -- A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

INDUSTRY, COTTAGE -- Artisan/craftsman production of goods, a substantial portion of which is sold on the premises.

INDUSTRY, LIGHT -- Manufacture, assembly, treatment or packaging of products that does not result in a private or public nuisance (e.g., emit objectionable levels of smoke, noise, dust, odor, glare or vibration beyond the property boundaries).

JUNK VEHICLE -- Any motor vehicle no longer intended or in condition for legal use on the public highways.

JUNKYARD -- A lot, land or structure or part thereof used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or other scrap or discarded material or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. "Junkyard" shall mean and include a junkyard within the meaning of § 136 of the General Municipal Law.

KENNEL -- Premises used for the sale, harboring, breeding or care of dogs for compensation.

KITCHENETTE -- Space less than 60 square feet in floor area used for cooking or preparation of food.

LANDFILL, INDUSTRIAL -- A nonhazardous waste landfill accessory to an industrial facility and operated under the permit provisions of the New York State Environmental Conservation Law, Article 27, Title 7 (Part 360).

LANDSCAPE PLANTING -- The functional and aesthetic planting and maintenance of trees, shrubbery and flowers in relationship to man-made structures and the existing natural landscape elements.

LAUNDROMAT -- See "coin-operated laundry."

LIGHTED SIGN -- Any sign designed to give forth or to reflect artificial light.

A. Externally illuminated: a sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

B. Internally illuminated: a sign illuminated by use of an artificial light which is located within the sign structure and which depends for its illumination on transparent or translucent material.

C. Neon sign: a sign created by glass tubing incorporating ionic or other discharge of gas. Considered to be an internally illuminated sign.

LIGHT FIXTURE, FULLY SHIELDED -- The luminaire shall emit no direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire.

LIGHT TRESPASS -- The shining of light produced by a luminaire beyond the boundaries of the property.

LIVERY/TAXI -- A commercial establishment for the storage and dispatch of motor vehicles used for hire for the transport of people or goods.

LIVESTOCK -- Animals including, but not limited to, domestic animals such as sheep,

goats, cattle, swine and horses which are kept on a farm.

LIVING FENCE -- Any fence or hedge composed of organic materials.

LOADING BERTH -- An entrance to a structure for the purpose of loading and unloading delivered goods and supplies, at least 12 feet wide, 33 feet long and 14 feet high, with unobstructed access, at least 10 feet wide, to and from a street. Such access may be combined with access to a parking lot.

LOT -- Any parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a building and its accessory buildings, together with the required open spaces appurtenant to such building or group of buildings.

LOT, CORNER -- A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135°. A lot abutting a curved street shall be deemed to be a "corner lot" if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

LOT DEPTH -- The minimum distance from the street line of a lot to the rear lot line of such lot.

LOT LINE -- Any boundary of a lot other than a street line.

LOT LINE, REAR -- The lot line generally opposite to the street line; if the rear lot line is less than 10 feet in length or if the lot comes to a point in the rear, the "rear lot line" shall be deemed to be a line parallel to the street line not less than 10 feet long lying farthest from the street line.

LOT WIDTH -- The dimension measured along the front yard minimum requested setback at substantially right angles to the depth of the lot.

LUMINAIRE -- A complete lighting system, including a lamp or lamps and a fixture.

MANUFACTURED HOME SALES -- An establishment for the sale of mobile, modular, or other manufactured dwellings.

MANUFACTURING -- The fabrication, alteration, processing, finishing, handling or assembly of raw materials and packaging, warehousing and storage of articles in quantity.

MEDICAL/DENTAL CLINIC -- Any structure or group of structures occupied by medical practitioners, including but not limited to doctors, dentists, chiropractors, opticians, optometrists, etc., and related services for the purpose of providing health services to people on an outpatient basis.

MEMBERSHIP CLUB -- Premises used by a not-for-profit organization or unincorporated association catering exclusively to members and their guests for social, recreational, athletic or similar purposes.

MOBILE HOME -- A transportable, one-family dwelling on a chassis, movable either on its own or by being drawn by another vehicle, equipped for year-round occupancy and containing the same water supply, water disposal, heating and electrical conveniences as immobile housing. A modular home is not a mobile home.

MOBILE HOME PARK -- Any lot on which two or more mobile homes are located regardless of whether or not rent is charged for such accommodations.

MODULAR HOME -- A structure made of prefabricated sections manufactured at another location, shipped to their ultimate destination and assembled on a foundation to form a permanent single-family, row house or multiple-family unit and which meets all New York State requirements concerning factory-manufactured housing. A modular

home is constructed of building materials and in a manner which is similar to the materials and construction techniques used for conventional housing. A modular home is not, for the purposes of this chapter, a mobile home.

MOTOR VEHICLE REPAIR FACILITY -- A commercial establishment which repairs or replaces motor vehicle engines, body parts or electrical or mechanical systems, including but not limited to:

- A. Body reconstruction or repair, welding, spray painting or interior alterations or repairs.
- B. Repair or replacement of all or part of a clutch, transmission, differential, axle, springs or frame.
- C. Repair or replacement of engines or radiators.

MOTOR VEHICLE SALES LOT -- Premises used for the display of new or used automobiles or trucks or related automobile equipment for sale.

MUSEUM -- See "gallery/museum."

NET FLOOR AREA -- See "floor area, net."

NONCONFORMING BUILDING -- A building which contains a use permitted in the district in which it is located but which does not conform to the district regulations for lot area, width or depth; front, side or rear yard dimensions; maximum height; lot coverage; or minimum habitable floor area per dwelling unit.

NONCONFORMING USE -- A use, whether of a building or tract of land or both, lawfully existing prior to the effective date of this chapter and which is maintained after the effective date of this chapter even though it does not comply with use restrictions or supplemental regulations applicable to the area in which it is located.

NONHABITABLE SPACE -- Space used as kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater and boiler rooms, closets and other spaces used for access and vertical travel between stories. See "habitable space."

NONPROFIT ORGANIZATION -- Any corporation or association which is organized or conducted exclusively for religious, charitable, hospital, educational, moral or mental improvement of men, women or children or cemetery purposes or for two or more such purposes or which is organized or conducted exclusively for bible tract, benevolent, missionary, infirmary, public playground, scientific, literary, bar association, medical society, museum, environmental and conservation, patriotic or historical purposes, for the enforcement of laws relating to children or animals or for two or more such purposes and used exclusively for carrying out thereupon one or more of such purposes either by the owning corporation or association or by another such corporation or association.

NUISANCE -- Any thing or act that annoys or disturbs unreasonably, hurts a person's use of his or her property or violates the public health, safety or welfare.

NURSERY SCHOOL -- A premises licensed by New York State and operating under the applicable provisions of the New York State Education Law and the Social Services Law for the organized care and supervision of preschool children. The term "nursery school" includes kindergarten, day-care center, day school and the like. It shall not, however, be construed to include informal child care in the home, whether for compensation or not.

NURSING HOME -- An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 hours or more consecutive hours to two or more patients who are not related to the governing authority

or its members by marriage, blood, or adoption. A nursing home is synonymous to an extended-care or long-term care facility.

OCCUPANT -- The person in occupancy, in possession or in control of premises or using premises.

OFFICE -- A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

OFF-STREET PARKING -- A temporary parking area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

OUTDOOR MARKET -- An organized market at which participants sell goods. Flea markets and craft sales are examples of outdoor markets.

OUTDOOR WOODBURNING FURNACE -- An accessory structure designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises. [Added 3-20-2007 by L.L. No. 6-2007]

OVERLAY ZONE -- A zone or district imposed over existing zoning districts and containing provisions that are applicable in addition to those otherwise contained in the Zoning Law.

OWNER -- Owner of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of such building or premises.

PARKING LOT -- Land which is open or semienclosed by structures and which is used to provide off-street parking spaces.

PARKING SPACE, OFF-STREET -- A space which is out of the public right-of-way and is available and adequate for parking one motor vehicle.

PERFORMING ARTS STUDIO -- A place where music and dance is performed and/or recorded.

PERSONAL SERVICE -- Establishments to provide services related to personal care. A barbershop, beauty salon, masseur, shoe repair or tailor would be examples of personal service establishments.

PETS -- Animals including customary household companions such as dogs, cats and birds.

PLACES OF WORSHIP -- A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, including church hall, parsonages, rectories.

PLOT PLAN -- A map or drawing showing the boundaries of a parcel and all structures, easements, utilities, and important physical features on it, drawn to scale with accurate dimensions.

PRINCIPAL BUILDING -- A building in which the main or principal use of the lot on which said building is located is conducted.

PRINTING/PUBLISHING -- Industrial printing, large-scale publishing and binding. A copy shop or a photoreproduction shop is not considered printing/publishing.

PUBLIC UTILITY FACILITY -- Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to

the furnishing of utility services, such as electric, gas, telephone, water, sewer, cellular service, and public transit, to the public.

PUBLIC WATER/PUBLIC SEWER -- Sewage disposal and water supply systems owned and maintained by the Village Board for municipal operation.

RAIL TRANSFER -- An intermediate destination for the movement of goods between railroad cars and/or between railroad cars and trucks.

RECREATION

A. **ACTIVE RECREATION** -- Outdoor activities for an individual or a group. Active recreation includes such activities as baseball, football, skateboarding, ice skating, hockey, etc.

B. **PASSIVE RECREATION** -- Outdoor activities for individual relaxation and enjoyment not requiring special playing surfaces or in-place equipment. Passive recreation includes such activities as hiking, cross-country skiing, fishing, picnicking, etc.

RECREATIONAL BUSINESS -- A place designed and equipped for the conduct of sports and leisure-time activities that is operated as a business and open to the public for a fee.

RECREATIONAL VEHICLE -- A vehicle mounted on wheels, movable either on its own or by being drawn by another vehicle, equipped to be used for living and sleeping quarters not intended to be placed on a permanent foundation. This includes motor homes, trailers, campers and vehicles of a similar nature.

RECYCLING -- The process, by which newspapers, magazines, books and other paper products, glass, metal cans, and other products are collected, separated, stored, or treated to return such products to a condition in which they may again be used in new products.

RESEARCH LABORATORY -- An establishment or other facility for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development.^{40EN}

RESIDENTIAL GARAGE SALE

A. An organized sale in a residential area at which participants sell personal goods which may include goods other than food or produce. Garage sales, porch sales and yard sales are examples of residential garage sales.

B. Noncommercial sales of used merchandise such as rummage sales by churches, schools or other nonprofit organizations shall be considered residential garage sales for the purpose of this chapter.

RESTAURANT WITH DRIVE-IN FACILITY -- An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

RESTAURANT WITHOUT DRIVE-IN FACILITY -- Premises in which food is prepared and served to seated customers. There may be a bar facility and/or entertainment, but the primary business of the establishment is the preparation of meals.

REST HOME -- A facility providing assisted-living services to seniors or others in which no more than 15 persons unrelated to each other are housed and fed by persons paid for providing such services and where nursing care and medical services are not normally provided within the facility.

RETAIL -- Sale of goods, wares, or commodities to ultimate customers for direct

consumption and not for resale.

RETIREMENT HOME -- See "rest home."

RIGHT-OF-WAY -- The property of an easement permanently established for the passage of persons or vehicles.

ROADSIDE STAND -- A light structure with a roof, either attached to the ground or movable, intended for the sale of local produce to the general public and to be used only in conjunction with an outdoor market.

ROOMING HOUSE -- See "boarding-, lodging or rooming house."

SAFETY LIGHTING -- Any luminaire placed to illuminate steps, entryways and walkways.

SCHOOL (public or private) -- Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge which meets state requirements for elementary, secondary, or higher education. Private schools do not secure the major part of their funding from any governmental agency.

SCREEN/SCREENED/SCREENING -- A properly maintained minimum of a five-foot-high, year-round visually impervious screen through the use of or any combination of earthen mounds, trees, rows of trees, hedges, shrubbery, fences, and/or other means to prevent direct views (of parked vehicles), to avoid spillover light and glare onto adjacent properties and buffer noise generated by activities on a lot from other properties in the vicinity and from the street. Safety and visual access shall be maintained along any ingress or egress roads.

SETBACK -- The distance between the building and any lot line.

SHIELDED LIGHT FIXTURE -- A lighting fixture, appliance or device that is equipped with shields or hoods to confine illumination to within the property owner's boundaries.

SIDEWALK CAFE -- A commercial accessory use by a restaurant or bar/tavern/nightclub on public sidewalks where food and alcoholic beverages may be served to seated customers.

SIGN -- Any material (including paper, cloth and canvas), structure or device for visual communication composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed, which is used outside of or on the exterior of any building or which is contained on the inside of the window or door of that premises and is clearly intended to be so visible to persons who may pass the premises, for display of an advertisement, announcement, notice, banner, logo, flag, directional matter or name, and includes signs, billboards, signboards, illuminated signs, neon tube, string of lights or ground signs.

SIGN AREA -- The area of the surfaces within which are contained all the elements of the sign, including the advertising surface and any framing, trim or molding but excluding structural members used only for support.

SIGN, ARTISAN'S -- A sign displayed by a tradesperson at a premises where he/she is undertaking repairs, improvements or other specified labor.

SIGN, ATTACHED -- A sign affixed in some manner to the exterior of a building.

SIGN, DIRECTLY ILLUMINATED -- See "illumination, direct."

SIGN, FREESTANDING -- Any nonmovable sign not affixed to a building and attached only to the ground and surrounded by open space.

SIGN, GROUND-SUPPORTED -- A freestanding sign supported by one or more poles or directly attached to a ground-level or raised structure where there is no greater than 12

inches of open area between the bottom of such sign and existing ground level or raised-base structure level, whichever is appropriate.

SIGN, INDIRECTLY ILLUMINATED -- See "illumination, indirect."

SIGN, PERMANENT WINDOW GRAPHIC -- A sign, logo or other illustrative diagram or sketch attached to or painted on a window or displayed from the interior side of a window for outside viewing.

SIGN, POLE-MOUNTED -- A freestanding sign supported by one or more poles where there is a minimum of 12 inches of open area between the bottom of such sign and existing ground level or raised-base structure level, whichever is appropriate.

SIGN, PORTABLE -- A device on wheels or a stand that is designed to be easily moved, the purpose of which is to display a message or announcement.

SIGN, REAL ESTATE OR CONSTRUCTION -- A sign advertising land or improvements thereto or describing a construction activity or firm doing work related to construction on the premises where the sign is located.

SIGN, SANDWICH BOARD -- Any nonilluminated sign or advertising device designed to be portable and intended for periodic or intermittent use on a public or private Village sidewalk, walkway or lawn.

SIGN, TEMPORARY -- A sign as defined above and governed by § 160-10.3C but which is to be displayed for no more than 30 days in a calendar year. Such permits are renewable, under special circumstances, for an additional 30 days.

SIGN, TEMPORARY COMMERCIAL -- A sign for a limited, short-term period which advertises for commercial purposes a product, sale, service, entertainment and the like where such are sold or offered upon the premises where the sign is located or to which it is affixed. A banner is considered a temporary commercial sign.

SKETCH PLAN -- A sketch of a proposed subdivision showing the information specified in § 135-6 of the Subdivision Regulations to enable the applicant to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and the objectives of these regulations.

SPECIAL EVENT -- An activity or event sponsored by a business or organization as something above and beyond the normal daily activities of that business or organization. These events are commonly for a special promotion of that business or organization (for example, an open house, sidewalk sale, or community activity).

STORAGE SHED -- An enclosed accessory structure used for storage and that is no larger than 10 feet by 14 feet in size.

STORY -- That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and level of the next higher finished floor or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

STORY, HALF -- Any space partially within the roof framing where the clear height of not more than 50% of such space between the tops of the floor beams and the structural ceiling level is seven feet six inches or more.

STREET -- One of the following:

- A. An existing Village, county or state highway or street.
- B. A street shown on an approved subdivision final plan.
- C. A street shown on a map filed with the County Clerk (in accordance with § 7-708 of the Village Law) prior to Planning Board authorization to review subdivisions.

D. A street shown on the Official Map of the Village.

STREET FURNITURE -- The functional elements of the streetscape, including but not limited to benches, trash receptacles, planters, telephone booths, kiosks, signposts, streetlights, bollards and removable enclosures.

STREET LINE -- The right-of-way line of a street as indicated by dedication or deed of record.

STREETSCAPE -- The visual interface and interaction of the street and sidewalks, the actual building site and the landscape. It is the built and planted elements of a street which define its character.

STRUCTURE -- Any combination of materials forming any construction, except where entirely underground, so as to permit the use of the ground above the same as if no building was present; the term "structure" shall include the term "building" as well as the following:

A. Signs.

B. Fences.

C. Walls, other than retaining walls projecting above the ground not more than three feet at the higher ground level and not more than 6 1/2 feet at the lower ground level.

D. Radio and television receiving and transmitting towers and antennas, except for such antennas installed on the roof of a building and extending not more than 20 feet above the highest level of the roof of such building.

E. Porches, outdoor bins and other similar structures.

SWIMMING POOL, NONCOMMERCIAL -- "Outdoor water pools" shall, for the purposes of this chapter, be construed to mean any swimming pool, tank, depression or excavation in any material, dike or berms constructed, erected, excavated or maintained which will cause the retaining of water to a greater depth than 18 inches and having a surface area of water greater than 100 square feet, except such as shall hereinafter be excluded. The word "pool" shall be construed to mean an outdoor water pool to be used for swimming or bathing by any family or persons residing on the premises and their guests. Such noncommercial swimming pools shall not be operated for gain and shall be located on a lot only as an accessory use to the dwelling or dwellings thereon.

TAVERN/NIGHTCLUB -- A premises licensed under the laws of New York State for the sale of alcoholic beverages and their consumption on the premises. Live entertainment may also be provided on a regular basis. The availability of food is incidental to the principal activity of selling alcoholic beverages.

THROUGH LOT -- An interior lot having frontage on two approximately parallel or converging streets, other than a corner lot.

TRUCKLOAD SALES -- Retail sales occurring from vehicles designed to carry cargo and material.

TRUCK TERMINAL -- An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. Storage facilities, such as warehouses, incidental to the principal use may also be part of a truck terminal.

USABLE OPEN SPACE -- All unenclosed portions of the ground of a lot which are not devoted to driveways or parking spaces, which are free of structures of any kind, of which not more than 25% are roofed for shelter purposes only, the minimum dimension of which is 40 feet, and which are available and accessible to all occupants of the

building or buildings on said lot for purposes of active or passive outdoor recreation.

USE, ACCESSORY -- A use customarily incidental and supplemental and clearly subordinate and secondary to the principal use located on the same lot.

USE, PERMITTED -- A use allowed as a matter of right in a district.

USE, PRINCIPAL -- The main, primary use of a lot.

VARIANCE -- A modification of the use and/or bulk regulations of this chapter in an individual case where, due to specific facts and conditions relating to a particular property, literal application and strict enforcement would result in unnecessary hardship or practical difficulty that would deprive the owner of the reasonable use of the land or structures.

VARIANCE, AREA -- Authorizing the use of land in a manner that is not permitted by virtue of the dimensional or physical requirements of the Zoning Code.

VARIANCE, USE -- Authorizing the use of land for a use that is not permitted or that is prohibited by the Zoning Code.

VEHICLE SALE, NEW OR USED -- A structure or open area, other than a right-of-way or public parking area, used for the display, sale, or rental of new or used vehicles in operable condition and where no repair work is done.

VILLAGE -- The Incorporated Village of Cobleskill, Schoharie County, New York.

VISUAL ARTS STUDIO -- The workshop of an artist, sculptor, photographer, or craftsperson where artwork is produced.

WHOLESALE -- Sale of relatively large quantities of goods, wares, commodities or services to retailers for resale and not for direct consumption.

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES -- Definitions particular to § 160-6.6, Standards for Wireless Telecommunications Towers and Facilities:

- A. ACCESSORY STRUCTURE -- The additional buildings and structures that are incidental or subordinate to the principal building or structure on the same lot. Such structures are customarily used in connection with the principal building or structure and may include base stations designed and used to shelter equipment and/or to support personal wireless services. The term "accessory structures" does not include offices, long-term storage of vehicles or other equipment storage, or broadcast studios.
- B. ACT -- The Telecommunications Act of 1996.
- C. AFFILIATE -- A person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with another person.
- D. ANTENNA -- A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but are not limited to, radio, television, cellular, paging, personal communications services (PCS), light waves, and microwave telecommunications.
- E. ANTENNA SUPPORT STRUCTURE -- Any building or structure, other than a tower, that can be used for locating telecommunications facilities.
- F. APPLICANT -- Any person who applies for a tower development permit.
- G. APPLICATION -- The process and appropriate documentation that an applicant submits in order to receive a permit to develop, construct, build, modify or erect a tower, antenna, antenna support structure, or telecommunications facility. The application includes all written documentation, verbal statements and representations,

in whatever form or forum, made by an applicant to the Village concerning such a request.

- H. **COLLOCATION** -- The use of the same telecommunications tower or structure to carry more than one antenna for the provision of wireless services by two or more persons or entities.
- I. **COMPLETED APPLICATION** -- An application that contains all information and/or data necessary to enable the appropriate Village board to evaluate the merits of the application and to make an informed decision with respect to the effect and impact of wireless telecommunications facilities on the Village in the context of the permitted land use for the particular location requested.
- J. **ENGINEER** -- Any engineer licensed by the State of New York.
- K. **FEDERAL COMMUNICATIONS COMMISSION (FCC)** -- The federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers on a national level.
- L. **FREESTANDING TOWER** -- A tower that is not supported by guy wires and ground anchors or other means of attached or external support.
- M. **HEIGHT** -- When referring to a tower or structure, the distance measured from the preexisting grade level to the highest point on the tower or structure, even if the highest point is an antenna.
- N. **OWNER** -- Any person with fee title or a long-term (exceeding 10 years) leasehold to any parcel of land within the Village who desires to develop or construct, build, modify, or erect a tower, antenna, antenna support structure, or telecommunications facility upon such parcel of land.
- O. **PERSON** -- Any individual, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit.
- P. **PERSONAL WIRELESS SERVICES** -- Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by § 704 of the Telecommunications Act of 1996.
- Q. **STEALTH** -- Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look like objects other than a tower, such as light poles, power poles, trees, flagpoles, and steeples. The term "stealth" does not necessarily exclude the use of lattice or monopole designs.
- R. **TELECOMMUNICATIONS** -- The transmission and reception of audio, video, data, and other information by wire, radio frequency, light and other electronic or electromagnetic systems.
- S. **TELECOMMUNICATIONS FACILITIES or WIRELESS TELECOMMUNICATIONS FACILITIES** -- Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications that a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
 - (1) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
 - (2) Any satellite earth station antenna one meter or less in diameter, regardless of

zoning category.

T. TOWER -- A self-supporting lattice or monopole structure constructed from grade that supports telecommunications facilities. The term "tower" shall not include a tower or antenna that is under 50 in height and that is owned and operated solely by a federally licensed amateur radio operator.

U. VISUAL EAF -- A visual environmental assessment form.

YARD, FRONT -- An unoccupied ground area, open to the sky, between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. The front yard should follow the front contour of the house.

YARD LINE -- A line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, REAR -- An unoccupied ground area, open to the sky, between the rear lot line and a line drawn parallel thereto along the rear of the building, extending from lot line to lot line.

YARD, REQUIRED -- Any yard measured between a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, SIDE -- An unoccupied ground area, open to the sky, between any lot line other than a street or rear lot line and a line drawn parallel thereto along the side of the buildings between and not including any portion of the front and rear yards.

Schedule of Use Regulations

[Amended 1-19-2010 by L.L. No. 1-2010]

KEY:

P = Permitted use.

S = Permitted use subject to site plan review (see § 160-7).

SP = Special use permit (see § 160-6 and Note 4 below).

N = Use not permitted.

AS = Additional standards.

NAS = No additional standards.

X = All municipal uses permitted; nonmunicipal purposes prohibited.

Use Category ²	Section	LC	RR	R-1	R-2	R-3	RMF	CB	GB	VG ³	MU 1 MU 2	MU 3	C-I	FG	Combined Residential Business Overlay (Refer to Base Zoning District)	RC	P
Agriculture																	
Agriculture, nonanimal		P	P	N	N	P	S	N	N	N	S	S	N	N	N	P	X
Agriculture, animal		P	P	N	N	N	N	N	N	N	N	N	N	N	N	P	X
Agricultural accessory buildings used for commercial purposes		S	S	N	N	N	S	N	N	N	S	S	N	N	N	S	X
Residential																	
Boardinghouse and rooming house		N	N	N	N	S	S	S/AS	S	S	S	S	N	N	S ⁴	N	X

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Mobile home(s)	160 -6 ⁴	N	SP/S	N	N	N	N	N	N	N	N	N	N	N	N	N		SP/S	X
Multifamily		N	N	N	N	S	S	S/AS	S	S	S	S	N	N		S ⁴		SP/S	X
Multiple-occupancy dwelling	160-8.5	N	N	N	N	S/AS	S/AS	N	S/AS	N	S/AS	S/AS	N	N		N		N	X
Single-family		N	P	P	P	P	P	N	P	N	P	P	N	N		S ⁴		P	X
Two-family	160-8.6	N	N	N	P/AS	P/AS	P/AS	N	P/AS	N	P/AS	P/AS	N	N		S ⁴		P/AS	X
Three- or four-family		N	S	N	N	S	S	S/AS	S	S	S	S	N	N		S ⁴		S	X

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Use Category ²	Section	LC	RR	R-1	R-2	R-3	RMF	CB	GB	VG ³	MU 1 MU 2	MU 3	C-I	FG	Combined Residential Business Overlay (Refer to Base Zoning District)RCP
Residential-accessory															
Home occupation	160-8.10	N	P/AS	P/AS	P/AS	P/AS	N	N	P/AS	N	P/AS	P/AS	N	N	S ⁴ P/ASX
Customary accessory uses/buildings		N	P	P	P	P	P	N	P	N	P	P	N	N	S ⁴ PX
Commercial uses															
Adult entertainment	160-6.3	N	N	N	N	N	N	N	N	SP/S	N	N	SP/S	N	NNX
Animal hospital		N	S	N	N	N	N	N	N	S	N	N	N	N	NNX
Appliance and computer repair		N	N	N	N	N	N	S	S	S	S	S	N	N	NNX
Bank		N	N	N	N	N	N	S	S	S	S	S	N	N	NNX
Bar/tavern/nightclub	160-8.2	N	N	N	N	N	N	S/AS	S/AS	S/AS	N	N	N	N	NNX
Bed-and-breakfast		N	S	N	N	S	S	N	S	S	S	S	N	N	S ⁴ SX
Bus depot/cab stand		N	N	N	N	N	N	S	S	S	N	N	N	N	NNX
Car wash	160-8.3	N	N	N	N	N	N	N	S/AS	S/AS	S/AS	S/AS	N	N	NNX
Coin-operated laundry		N	N	N	N	N	N	S	S	S	S	S	N	N	S ⁴ NX
Convenience store with gasoline sales		N	N	N	N	N	N	N	N	P/AS	N	S	N	N	NNN
Convenience store without gasoline sales		N	S	N	N	N	N	S	S	S	N	S	N	N	NNX
Cybercafé		N	N	N	N	N	N	S	S	S	N	S	N	N	NNX
Drive-in or drive-through facility		N	N	N	N	N	N	N	S	S	N	S	N	N	NNX
Dry cleaner		N	N	N	N	N	N	S	S	S	N	N	N	N	NNX
Fairgrounds		N	N	N	N	N	N	N	N	N	N	N	N	P	NNX
Farmers market	160-8.16	P/AS	P/AS	N	N	N	N	P/AS	P/AS	P/AS	P/AS	P/AS	N	N	NP/ASX
Freestanding drive-through business		N	N	N	N	N	N	N	N	S	N	N	N	N	NNX
Funeral home	160-8.7	N	S/AS	N	N	N	S/AS	N	N	S/AS	N	N	N	N	NS/ASX

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Use Category ²	Section	LC	RR	R-1	R-2	R-3	RMF	CB	GB	VG ³	MU 1 MU 2	MU 3	C-I	FG	Combined Residential Business Overlay (Refer to Base Zoning District)	RC	P
Galleries and museum		N	N	N	N	N	N	S	S	S	S	S	N	N	S ⁴	S	X
Games arcade	160-8.8	N	N	N	N	N	N	P/AS	P/AS	P/AS	N	N	N	N	N	N	X
Gasoline station	160-8.9	N	N	N	N	N	N	N	N	P/AS	N	N	N	N	N	N	X
Golf course		N	S	N	N	N	N	N	N	N	N	N	N	N	N	S	X
Indoor theaters/auditorium		N	N	N	N	N	N	S	S	S	N	N	N	N	N	N	X
Kennel		N	S	N	N	N	N	N	N	S	N	N	N	N	N	N	X
Livery/taxi	160-8.13	N	N	N	N	N	N	N	N	P/AS	P/AS	P/AS	P/AS	N	N	N	X
Lunch wagon or movable diner	160-8.1	N	N	N	N	N	N	P/AS	P/AS	P/AS	P/AS	P/AS	P/AS	P	N	N	X
Medical and dental clinic		N	S	S	S	S	S	S	S	S	S	S	N	N	S ⁴	N	X
Manufactured home sales		N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	X
Motor vehicle repair facility		N	N	N	N	N	N	N	N	SP/S	N	N	N	N	N	N	X
New/used vehicle sales		N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	X
Nursery school or day-care facility	160-8.15	N	P/AS	P/AS	P/AS	P/AS	P/AS	P/AS	P/AS	P/AS	P/AS	P/AS	P/AS	N	N	N	X
Outdoor market	160-8.16	P/AS	N	N	N	N	N	P/AS	N	P/AS	N	N	N	N	N	N	X
Performing art studio		N	N	N	N	N	N	S	S	S	N	N	N	N	N	N	X
Personal service		N	N	N	N	N	N	S	S	S	S	S	N	N	S ⁴	N	X
Offices		N	N	N	N	N	N	S	S	S	S	S	S	N	S ⁴	N	X
Radio and television antennas and dish antennas	160-8.17	N	N	N	N	N	N	N	N	P/AS	N	N	P/AS	N	N	N	X
Recreational vehicles	160-8.18	N	P/AS	P/AS	P/AS	P/AS	P/AS	N	N	N	P/AS	N	N	P	NAS	N	X
Recreation, passive or active		S	S	N	N	N	N	N	N	N	N	N	N	S	N	P	X
Recreational business		N	S	N	N	N	N	N	S	S	S	S	N	N	N	N	X

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Use Category ²	Section	LC	RR	R-1	R-2	R-3	RMF	CB	GB	VG ³	MU 1 MU 2	MU 3	C-I	FG	Combined Residential Business Overlay (Refer to Base Zoning District)	RC	P
Restaurant with drive-in facility		N	N	N	N	N	N	N	S	S	N	N	N	N	N	N	X
Restaurant without drive-in facility		N	N	N	N	N	N	S	S	S	N	S	N	N	N	N	X
Retail		N	N	N	N	N	N	S	S	S	S	S	N	N	S ⁴	N	X
Truckload sales	160-8.23	P/AS	N	N	N	N	N	N	N	P/AS	N	N	N	N	N	N	X
Village inn/hotel	160 - 8.2 ⁴	N	N	N	N	N	N	S/AS	S/AS	S/AS	N	N	N	N	N	N	X
Visual art studio		N	N	N	N	N	N	S	S	S	SP/S	SP/S	N	N	S ⁴	N	X
Wireless telecommunications towers and facilities	160-6.6	N	SP/S	N	N	N	N	N	N	N	N	N	SP/S	N	N	N	X
Commercial accessory																	
Enclosed storage/shed		N	N	N	N	N	N	S	S	S	S	S	S	N	S ⁴	N	X
Sidewalk café	160-8.20	N	N	N	N	N	N	P/AS	P/AS	P/AS	P/AS	P/AS	N	N	N	N	X
Institutional																	
Cemetery		N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	X
Cemetery storage facility		N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	X
Charitable organization		N	N	N	N	N	N	S	S	S	S	S	N	N	N	N	X
Convent/monastery		N	S	N	N	S	S	N	N	S	S	S	N	N	S ⁴	N	X
Group home		N	S	N	N	S	S	N	N	S	S	S	N	N	S ⁴	S	X
Hospital		N	S	S	S	S	S	N	N	S	N	N	N	N	N	N	X
Membership club		N	N	N	N	N	N	S	S	S	N	N	N	N	N	N	X
Nursing home		N	S	S	S	S	S	N	N	S	S	S	N	N	N	N	X
Public utility facility	160-6.5	SP/S	SP/S	SP/S	SP/S	SP/S	SP/S	SP/S	SP/S	SP/S	SP/S	SP/S	SP/S	SP/S	SP/S	SP/S	X
Religious uses		N	S	S	S	S	N	N	S	S	S	S	N	N	N	N	X

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Use Category ²	Section	LC	RR	R-1	R-2	R-3	RMF	CB	GB	VG ³	MU 1 MU 2	MU 3	C-I	FG	Combined Residential Business Overlay (Refer to Base Zoning District)	RC	P
Rest home		N	S	N	N	S	S	N	N	S	N	N	N	N	S ⁴	N	X
Schools (public and private)		N	S	N	N	N	N	N	N	S	S	S	N	N	N	N	
Institutional accessory																	
Off-street parking		N	S	S	S	S	S	S	S	S	S	S	S	N	S ⁴	S	
Industrial																	
Cottage industry		N	S	N	N	N	N	S	S	S	S	S	N	N	N	N	
Junkyard		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Light industry	160-8.12	N	N	N	N	N	N	N	S/AS	S/AS	S/AS	S/AS	S	N	N	N	
Manufacturing		N	N	N	N	N	N	N	N	N	S	N	S	N	N	N	
Printing/publishing		N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	
Quarrying and soil mining subject to Mined Land Reclamation Law		N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	
Quarrying and soil mining not subject to Mined Land Reclamation Law		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Rail transfer		N	N	N	N	N	N	N	N	N	S	S	S	N	N	N	
Recycling		N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	
Research lab		N	N	N	N	N	N	N	N	N	S	N	S	N	N	N	
Storage of bulk fuels and flammable materials	160-8.21	N	S/AS	N	N	N	N	N	N	S/AS	N	N	S/AS	N	N	N	
Truck terminal		N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	
Warehouse		N	N	N	N	N	N	N	N	N	S	N	S	N	N	N	
Wholesaling		N	N	N	N	N	N	N	N	N	S	N	S	N	N	N	

Use Category ²	Section	LC	RR	R-1	R-2	R-3	RMF	CB	GB	VG ³	MU 1 MU 2	MU 3	C-I	FG	Combined Residential Business Overlay (Refer to Base Zoning District)	RC	P	
Industrial accessory																		
Business offices		Only accessory to specifically allowed industrial use													N	N	N	X
Off-street parking															N	N	N	X
Industrial landfill		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	X	

NOTES:

¹ Refer to § 160-2.1 for district names.

² All uses specified herein are subject to additional standards if in the Historic Overlay District or Flood Hazard Overlay District.

³ Structures with multiple floors. For structures in all commercial areas, the second or higher floors, if present, may contain either apartment dwellings or commercial or professional office uses.

⁴ Consult standards for Combined Residential Business Overlay (CRB) District, § 160-3.1.

¹ **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

² **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

³ **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

⁴ **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

⁵ **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

⁶ **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I**

⁷ **Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I**

⁸ **Editor's Note: This local law also renumbered former § § 118-11 through 118-20 as § § 118-12 through 118-21, respectively.**

⁹ **Editor's Note: This local law provided that it take effect 9-1-1998.**

¹⁰ **Editor's Note: This local law provided that it take effect 6-1-2008.**

¹¹ **Editor's Note: Former § 118-24, Sewer rent fund, was repealed 7-15-2002 by L.L. No. 7-2002. This local law also renumbered former §§ 118-25 and 118-26 as 118-24 and 118-25, respectively**

¹² **Editor's Note: This local law also repealed former Ch. 126, Solid Waste, adopted 3-18-1996 by L.L. No. 2-1996.**

¹³ **Editor's Note: The title of this article was amended 12-18-2007 by L.L. No. 13-2007.**

¹⁴ **Editor's Note: The Official Zoning Map is on file in the Village offices.**

¹⁵ **Editor's Note: This local law also repealed former Subsection B(3), which pertained to**

culverts.

¹⁶ **Editor's Note: This local law also repealed former Art. III, Senior Citizens Tax Exemption, adopted 6-6-1988 by L.L. No. 4-1988, amended in its entirety 3-18-1996 by L.L. No. 2-1996**

¹⁷ **Editor's Note: Former § 148-17, Prohibition of left turns, was repealed 5-20-2002 by L.L. No. 6-2002. This local law also renumbered former §§ 148-18 through 148-34 as § 148-17 through 148-33, respectively.**

¹⁸ **Editor's Note: This local law also repealed former Art. VII, Vouchered Parking. See also § 148-8B.**

¹⁹ **Editor's Note: Former § 148-22, Yield Intersections, was repealed 11-10-1997 by L.L. No. 3-1997.**

²⁰ **Editor's Note: This local law also provided that it would take effect 6-1-2008.**

²¹ **Editor's Note: This local law also repealed former Ch. 160, Zoning, adopted 1-29-1987 by L.L. No. 1-1987, as amended.**

²² **Editor's Note: The Schedule of Use Regulations is included at the end of this chapter.**

²³ **Editor's Note: The Schedule of Use Regulations is included at the end of this chapter.**

²⁴ **Editor's Note: See "Church or other place of public assembly" in the Use column.**

²⁵ **Editor's Note: See § 160-8.16.**

²⁶ **Editor's Note: The fee schedule is available from the Codes Office.**

²⁷ **Editor's Note: See Ch. 58, Art. I, Building Codes Administration.**

²⁸ **Editor's Note: The fee schedule is available from the Codes Office.**

²⁹ **Editor's Note: See Ch. 90, Historic Districts and Landmarks.**

³⁰ **Editor's Note: See Ch. 58, Art. I, Building Codes Administration.**

³¹ **Editor's Note: See Ch. 90, Historic Districts and Landmarks.**

³² **Editor's Note: See Ch. 58, Art. I, Building Codes Administration.**

³³ **Editor's Note: See § 160-16, Zoning Board of Appeals.**

³⁴ **Editor's Note: See Ch. 90, Historic Districts and Landmarks.**

³⁵ **Editor's Note: The fee schedule is available from the Codes Office.**

³⁶ **Editor's Note: See Ch. 135, Subdivision of Land.**

³⁷ **Editor's Note: See Art. 7 of the New York State Public Officers Law, § 100 et seq.**

³⁸ **Editor's Note: See Ch. 135, Subdivision of Land.**

³⁹ **Editor's Note: For additional provisions, see also § 160-3, Overlay Districts.**

⁴⁰ **Editor's Note: The former definition of "residential conversion," which immediately followed this definition, was repealed 3-20-2007 by L.L. No. 5-2007.**